

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-second Legislature – Second Regular Session

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10/26/16

COMMITTEE ON COSMETIC LASER STUDY COMMITTEE

Report of Interim Meeting
Wednesday, October 19, 2016
House Hearing Room 3 -- 9:00 a.m.

Convened 9:07 a.m.

Recessed

Reconvened

Adjourned 10:48 a.m.

Members Present

Mrs. Carter
Mr. Espinoza
Mr. Lawrence
Mr. Meyer
Mr. Petersen, Chairman

Members Absent

Ms. Cobb

Agenda

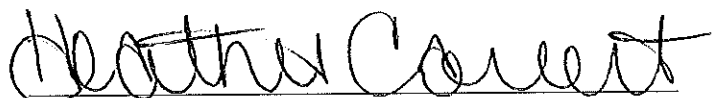
Original Agenda – Attachment 1

Request to Speak

Report – Attachment 2

Presentations

<u>Name</u>	<u>Organization</u>	<u>Attachments (Handouts)</u>
Shanna Farish	Medical Radiologic Technology Board of Examiners Program Manager, Arizona Radiation Regulatory Agency	3
Gary Begley	Chairman of the Arizona Board of Cosmetology	4
Steve Barclay	Arizona Medical Association	5, 6, 7
Dr. Bill Halmi	Arizona Medical Association	8, 9
Dr. Debra Johnson	American Society of Plastic Surgeons, President	10
	Official Comments from Rep. Meyer	11
Attendance		12



Heather Covert, Chairman Assistant
10/20/2016

(Original attachments on file in the Office of the Chief Clerk; video archives available at <http://www.azleg.gov>)

CORRECTION

CORRECTION

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ARIZONA HOUSE OF REPRESENTATIVES

INTERIM MEETING NOTICE OPEN TO THE PUBLIC

COSMETIC LASERS STUDY COMMITTEE

Date: Wednesday, October 19, 2016

Time: 9:00 A.M.

Place: HHR 3

AGENDA

1. Call to Order
2. Presentations:
 - Overview of the Regulatory Framework for Laser Certification
 - Shanna Farish, Medical Radiologic Technology Board of Examiners Program Manager, Arizona Radiation Regulatory Agency
 - Overview of Cosmetic Lasers Monitoring Process
 - Gary Begley, Chairman of the Arizona Board of Cosmetology
3. Public Testimony
4. Committee Discussion and Next Steps
5. Adjourn

Members:

Representative Warren H. Petersen, Chairman
Representative Heather Carter
Representative Diego Espinoza
Representative Jay Lawrence
Representative Eric Meyer
Representative Regina Cobb

10/14/16
JY

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HOUSE OF REPRESENTATIVES

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Committee on Cosmetic Laser Study Committee Bill Number N/A

Date 10/19/16 ☐ Support ☐ Oppose ☐ Neutral

Name Lauren Mayles Need to Speak? ☐ Yes ☐ No

Representing ARRA Are you a registered lobbyist?

Complete Address X

E-mail Address X Phone Number X

Comments:

*****FIVE-MINUTE SPEAKING LIMIT*****

Information Registered on the Request to Speak System

Cosmetic Lasers Study Committee (10/19/2016)

3, Public Testimony

Neutral:

Steve Barclay, Arizona Medical Association; Bill Halmi, representing self

All Comments:

Steve Barclay, Arizona Medical Association: I wish to address the Committee briefly to share general concerns, provide background materials and introduce our expert, Dr. Bill Halmi.

32-516. Aestheticians; cosmetologists; cosmetic laser and IPL device use; certification; fees; definitions

A. An aesthetician or a cosmetologist who wishes to perform cosmetic laser procedures and procedures using IPL devices must:

1. Apply for and receive a certificate from the agency.
2. Comply with the requirements of this section and agency rules.
3. Successfully complete forty hours of didactic training as required by agency rules at an agency-certified training program. The program shall provide a provisional certificate to the applicant verifying the successful completion of the didactic training.
4. For hair removal, complete hands-on training that is supervised by a health professional who is acting within the health professional's scope of practice or by a laser technician who has a minimum of one hundred hours of hands-on experience per procedure. The health professional or laser technician must be present in the room during twenty-four hours of hands-on use of lasers or IPL devices. The supervising health professional or laser technician shall verify that the aesthetician or cosmetologist has completed the training and supervision as prescribed by this section.
5. For other cosmetic laser and IPL device procedures, complete a minimum of an additional twenty-four hours of hands-on training of at least ten cosmetic procedures for each type of specific procedure that is supervised by a health professional who is acting within the health professional's scope of practice or by a laser technician who has a minimum of one hundred hours of hands-on experience per procedure. The health professional or laser technician must be present in the room during twenty-four hours of hands-on use of lasers or IPL devices. The supervising health professional or laser technician shall verify that the aesthetician or cosmetologist has completed the training and supervision as prescribed by this section.
6. Submit to the agency the provisional certificate from the training program and certification by the health professional or laser technician who directly supervised the applicant in the room during the hands-on training.

B. The agency shall issue a laser technician certificate authorizing the aesthetician or cosmetologist to use lasers and IPL devices if the applicant has completed the training for hair removal or lasers and IPL devices for other cosmetic procedures, as applicable, and shall maintain a current register of those laser technicians in good standing and whether certification is for hair removal only or other cosmetic procedures as well. The agency may establish a fee for the registration of aestheticians or cosmetologists as laser technicians and the issuance of certificates pursuant to this subsection. The agency shall deposit monies collected pursuant to this subsection in the laser safety fund established by section 32-3234.

C. An aesthetician or a cosmetologist who has been certified as a laser technician by the agency may use a laser or IPL device:

1. For hair removal under the indirect supervision of a health professional whose scope of practice permits the supervision.
2. For cosmetic purposes other than hair removal if the aesthetician or cosmetologist is directly supervised by a health professional whose scope of practice permits the supervision and the aesthetician or cosmetologist has been certified in those

procedures.

D. The board shall investigate any complaint from the public or from another board or agency regarding a licensed aesthetician or cosmetologist who performs cosmetic laser procedures or procedures using IPL devices pursuant to this section. The board shall report to the agency any complaint it receives about the training or performance of an aesthetician or a cosmetologist who is certified as a laser technician.

E. An aesthetician or a cosmetologist who used laser and IPL devices before November 24, 2009 may continue to do so if the aesthetician or cosmetologist received a certificate pursuant to this section before October 1, 2010.

F. For the purposes of this section:

1. "Agency" means the radiation regulatory agency.
2. "Directly supervised" means a health professional who is licensed in this state and whose scope of practice allows the supervision supervises the use of a laser or IPL device for cosmetic purposes while the health professional is present at the facility where and when the device is being used.
3. "Health professional" means a person who is licensed pursuant to either:
 - (a) Chapter 11, article 2 of this title and who specializes in oral and maxillofacial surgery.
 - (b) Chapter 13, 14, 15, 17 or 25 of this title.
4. "Indirect supervision" means supervision by a health professional who is licensed in this state, whose scope of practice allows the supervision and who is readily accessible by telecommunication.
5. "IPL device" means an intense pulse light class II surgical device certified in accordance with the standards of the agency for cosmetic procedures.
6. "Laser" means any device that can produce or amplify electromagnetic radiation with wavelengths in the range of one hundred eighty nanometers to one millimeter primarily by the process of controlled stimulated emission and certified in accordance with the standards for the agency for cosmetic procedures.
7. "Laser technician" means a person who is or has been certified by the agency pursuant to its rules and chapter 32, article 2 of this title.

32-3231. Definitions

In this article, unless the context otherwise requires:

1. "Administer" means the direct application, dispensing or furnishing a prescription medication or a prescription-only device, whether by injection or any other means, to the body of a patient by a health professional or by the health professional's authorized agent at the direction of the health professional.
2. "Aesthetician" has the same meaning prescribed in section 32-501.
3. "Agency" means the radiation regulatory agency.
4. "Cosmetic purpose" means for the purpose of beautifying, preserving or conferring comeliness, excluding therapeutic massage and manipulations.
5. "Directly supervised" means a health professional who is licensed in this state and whose scope of practice allows the supervision, supervises the use of a laser or IPL device for cosmetic purposes while the health professional is present at the facility where and when the device is being used.
6. "Indirect supervision" means supervision by a health professional who is licensed in this state and whose scope of practice allows the supervision and who is readily accessible by telecommunication.
7. "IPL device" has the same meaning prescribed in section 32-516.
8. "Laser" has the same meaning prescribed in section 32-516.
9. "Laser technician" means a person who is or has been certified by the agency pursuant to its rules and this article.
10. "Registrant" means a person or entity that owns or operates a laser or IPL device for which the application for registration is on file with the agency and that is in compliance with agency rules.

32-3232. Supervision

Only a health professional, who has prescribing authority and who is acting within the health professional's scope of practice, may administer or supervise another health professional, who is acting within the health professional's scope of practice, in the administration of prescription medication or a prescription-only device for a cosmetic purpose pursuant to this article, whether by injection or any other means, to a patient.

32-3233. Lasers; IPL devices; authorized use; authorized supervision

A. A health professional may register, operate and use a laser or IPL device registered with the agency or administer drugs or devices for cosmetic purposes to the extent the use is allowed by the health professional's scope of practice and the health professional has completed any training required by the health professional's regulatory board and the agency.

B. A health professional may supervise another health professional in the use of a laser or IPL device for cosmetic purposes to the extent the supervision is allowed or required by the supervising health professional's scope of practice and the supervising health professional has completed any training required by the supervising health professional's regulatory board and the agency.

C. The health professional's regulatory board shall investigate any complaint from the public or another board or agency involving the training, education, supervision or use of a laser or IPL device. A health professional shall report to the agency any complaint received about the training or performance of a laser technician.

D. A health professional may supervise a laser technician in the use of a laser or IPL device for cosmetic purposes if:

1. The health professional is licensed pursuant to either:

(a) Chapter 11, article 2 of this title and specializes in oral and maxillofacial surgery.

(b) Chapter 13, 14, 15, 17 or 25 of this title and the supervision is within the health professional's scope of practice.

2. The supervision does not conflict with the requirements of this article.

3. The laser technician has been certified by the agency to use a laser or IPL device for hair removal or other cosmetic procedures.

E. A laser technician who wishes to perform cosmetic laser procedures and procedures using IPL devices must:

1. Successfully complete forty hours of didactic training as required by agency rules at an agency certified training program. The program shall provide a provisional certificate to the applicant verifying the successful completion of the didactic training.

2. For hair removal, complete hands-on training that is supervised by a health professional who is acting within the health professional's scope of practice or by a laser technician who has a minimum of one hundred hours of hands-on experience per procedure. The health professional or laser technician must be present in the room during twenty-four hours of hands-on use of lasers or IPL devices. The supervising health professional or supervising laser technician shall verify that the laser technician has completed the training and supervision as prescribed by this section.

3. For other cosmetic laser and IPL device procedures, complete a minimum of an additional twenty-four hours of hands-on training of at least ten cosmetic procedures for each type of procedure that is supervised by a health professional who is acting within the health professional's scope of practice or by a laser technician who has a minimum of one hundred hours of hands-on experience per procedure. The health professional or laser technician must be present in the room during twenty-four hours of hands-on use of lasers or IPL devices. The supervising health professional or supervising laser technician shall verify that the laser technician has completed the

training and supervision as prescribed by this section.

4. Submit to the agency the provisional certificate from the training program and certification by the health professional or laser technician who directly supervised the applicant in the room during the hands-on training.

F. The agency shall issue a laser technician certificate authorizing the use of lasers and IPL devices only for hair removal if the applicant meets the applicable requirements of subsection E of this section, or for hair removal and other cosmetic procedures if the applicant meets the applicable requirements of subsection E of this section. The agency shall maintain a current register of those laser technicians in good standing and whether certification is only for hair removal or for hair removal and other cosmetic procedures. The agency may establish a fee for the registration of laser technicians and the issuance of certificates pursuant to this subsection. The agency shall deposit monies collected pursuant to this subsection in the laser safety fund established by section 32-3234.

G. A laser technician who has been using laser and IPL devices before November 24, 2009 may continue to do so if the laser technician applies for and receives a certificate pursuant to this section before October 1, 2010.

H. A laser technician may use a laser or IPL device in the following circumstances:

1. For hair removal under the indirect supervision of a health professional whose scope of practice permits the supervision.

2. For cosmetic purposes other than hair removal if the laser technician is directly supervised by a health professional whose scope of practice permits the supervision.

I. The supervising health professional, the employer of a laser technician and the registrant who owns or operates the laser or IPL device are subject to disciplinary action by the appropriate regulatory board for any errors made by a laser technician or for the use of a laser or IPL device not allowed by this article. A person who employs a person who operates a laser or IPL device must report any misuse of a laser or IPL device to the operator's regulatory board and to the agency.

J. The agency shall investigate any complaint from a member of the public or another board or agency involving the training, education, practice or complaint of harm resulting from a laser technician performing procedures for cosmetic purposes under this article and shall take appropriate disciplinary action as necessary including revocation of the laser technician's certification or revocation of a registrant's or employer's license to own or operate a laser or IPL device.

R12-1-1438. Hair Reduction and Other Cosmetic Procedures Using Laser and Intense Pulsed Light

A. Registration. A person who seeks to perform hair reduction or other cosmetic procedures shall apply for registration of any medical laser or IPL device that is a Class II surgical device, certified as complying with the labeling standards in 21 CFR 801.109, revised April 1, 2010, incorporated by reference, and available under R12-1-101. This incorporated material contains no future editions or amendments. The applicant shall provide all of the following information to the Agency with the application for registration:

1. Documentation demonstrating that the health professional is qualified in accordance with A.R.S. § 32-516 or 32-3233, has 24 hours of didactic training on the subjects listed in Appendix C, and has passed an Agency-approved exam on subjects covered with a minimum grade of 80%;
2. For any health professional in practice prior to October 1, 2010, proof of 24 hours of training on the subjects listed in Appendix C;
3. Documentation endorsed by the prescribing health professional, acknowledging responsibility for the minimum level of supervision required for hair reduction procedures as defined in R12-1-1402 under "indirect supervision";
4. Procedures to ensure that the registrant has a written order from a prescribing health professional before the application of radiation;
5. If authorized, procedures to ensure that, in the absence of a prescribing health professional at the facility, the registrant has established a method for emergency medical care and assumed legal liability for the service rendered by an indirectly-supervised certified laser technician; and
6. Documentation that the indirectly-supervised certified laser technician has participated in the supervised training required by A.R.S. § 32-516 or 32-3233.

B. Hair Reduction Procedures

1. If a registrant is using a medical laser or an IPL device that is a Class II surgical device, certified in accordance with the labeling standards in subsection (A), for hair reduction procedures, the registrant shall:
 - a. Ensure that the device is only used by a health professional described in A.R.S. §§ 32-516(F)(3) and 32-3233(D)(1) or by a certified laser technician who is working under the indirect supervision of a health professional described in A.R.S. §§ 32-516(C)(1) and 32-3233(D) and (H)(1), and
 - b. Ensure that a prescribing health professional purchases or orders the Class II surgical device that will be used for hair reduction procedures.
2. A registrant shall:
 - a. Not permit an individual to use a medical laser or IPL device for hair reduction procedures unless the individual:
 - i. Completes an approved laser technician didactic training program of at least 40 hours duration. To successfully complete the training program, the individual shall pass a test that consists of at least 50 multiple choice questions on subjects covered with a minimum grade of 80%. The training program shall be provided by an individual who is a health professional acting within the health professional's scope of practice, or a certified laser technician with a minimum of 100 hours of hands-on experience per procedure being taught;
 - ii. Is present in the room for at least 24 hours of hands-on training, conducted by a health professional or a certified laser technician as described in subsection (B)(2)(a)(i);
 - iii. Performs or assists in at least 10 hair reduction procedures; and
 - iv. Has the qualified health professional or qualified supervising certified laser technician certify that the laser technician has completed the training and supervision as described in subsection (B)(2)(a).

- b. Ensure that the laser technician follows written procedure protocols established by a prescribing health professional; and
 - c. Ensure that the laser technician follows any written order, issued by a prescribing health professional, which describes the specific site of hair reduction.
3. A registrant shall maintain a record of each hair reduction procedure protocol that is approved and signed by a prescribing health professional, and ensure that each protocol is reviewed by a prescribing health professional, at least annually.

4. A registrant shall:

- a. Maintain each procedure protocol onsite, and ensure that the protocol contains instructions for the patient concerning follow-up monitoring; and
 - b. Design each protocol to promote the exercise of professional judgment by the laser technician commensurate with the individual's education, experience, and training. The protocol need not describe the exact steps that a qualified laser technician should take with respect to a hair reduction procedure.
5. A registrant shall require that a prescribing health professional observe the performance of each laser technician during procedures at intervals that do not exceed six months. The registrant shall maintain a record of the observation for three years from the date of the observation.
6. A registrant shall verify that a health professional is qualified to perform hair reduction procedures by obtaining evidence that the health professional has received relevant training specified in subsection (A)(1) and in physics, safety, surgical techniques, pre-operative and post-operative care and can perform these procedures within the relevant scope of practice, as defined by the health professional's licensing board.
7. A registrant shall provide radiation safety training to all personnel involved with hair reduction procedures, designing each training program so that it matches an individual's involvement in hair reduction procedures. The registrant shall maintain records of the training program and make them available to the Agency for three years from the date of the program, during and after the individual's period of employment.

C. Other Cosmetic Procedures

1. If a registrant is using a medical laser or an IPL device that is a Class II surgical device, certified in accordance with the labeling standards in subsection (A), for other cosmetic procedures, the registrant shall:
 - a. Ensure that the device is only used by a health professional described in A.R.S. §§ 32-516(F)(3) and 32-3233(D)(1) or by a certified laser technician who is directly supervised by a health professional as described in A.R.S. §§ 32-516(C)(2) and 32-3233(D) and (H)(2); and
 - b. Ensure that a prescribing health professional purchases or orders the Class II surgical device that will be used for other cosmetic procedures.
2. A registrant shall not permit an individual to use a medical laser or IPL device for other cosmetic procedures unless the individual:
 - a. Completes an approved laser technician didactic training program of at least 40 hours duration. To successfully complete the training program the individual shall pass a test that consists of at least 50 multiple choice questions on subjects covered with a minimum grade of 80%. The training program shall be provided by an individual who is a health professional acting within the health professional's scope of practice, or a certified laser technician with a minimum of 100 hours of hands-on experience per procedure being taught;
 - b. Is present in the room for at least 24 hours of hands-on training, conducted by a health professional or a certified laser technician as described in subsection (C)(2)(a); and
 - c. Performs or assists in at least 10 cosmetic procedures governed by subsection (C), for each type of procedure (for example: spider vein reduction, skin rejuvenation, non-ablative skin resurfacing); and

- d. Has the qualified health professional or qualified supervising certified laser technician certify that the laser technician has completed the training and supervision as described in subsection (C)(2).
3. A registrant shall maintain a record of each protocol for a cosmetic procedure governed by subsection (C) that is approved and signed by a prescribing health professional, and ensure that each protocol is reviewed by a prescribing health professional, at least annually. The registrant shall:
 - a. Maintain each protocol onsite, and ensure that the protocol contains instructions for the patient concerning follow-up monitoring; and
 - b. Design each protocol to promote the exercise of professional judgment by the laser technician commensurate with the individual's education, experience, and training. The protocol need not describe the exact steps that a qualified laser technician should take with respect to a cosmetic procedure governed by subsection (C).
4. A registrant shall verify that a health professional is qualified to perform laser, IPL, and related procedures, by obtaining evidence that the health professional has received relevant training specified in subsection (A)(1) and in physics, safety, surgical techniques, pre-operative and post-operative care and can perform these procedures within the relevant scope of practice, as defined by the health professional's licensing board.
5. A registrant shall provide radiation safety training to all personnel involved with cosmetic procedures governed by subsection (C), designing each training program so that it matches an individual's involvement in each procedure. The registrant shall maintain records of the training program and make them available to the Agency for three years from the date of the program, during and after the individual's period of employment.
- D. Persons governed by this Section shall also comply with other applicable licensing and safety laws.
- E. A laser shall be secured so that the laser cannot be removed from the facility and the on/off switch is turned to the "off" position with the key removed when a certified laser technician or a health professional is not present in the room where the laser is located.
- E. A laser technician who has been using laser and IPL devices prior to November 24, 2009 may continue to do so if the technician applies for and receives a certificate from the Agency before October 1, 2010.
- F. Certification may be issued for one or more of the following procedures:
 1. Hair Reduction,
 2. Skin Rejuvenation,
 3. Non-Ablative Skin Resurfacing,
 4. Spider Vein Reduction,
 5. Skin Tightening,
 6. Wrinkle Reduction,
 7. Laser Peel,
 8. Telangiectasia Reduction,
 9. Acquired Adult Hemangioma Reduction,
 10. Facial Erythema Reduction,
 11. Solar Lentigo Reduction (Age Spots),
 12. Ephelis Reduction (Freckles),
 13. Acne Scar Reduction,
 14. Photo Facial, or
 15. Additional procedures as approved by the Agency after consultation with other health professional boards as defined in A.R.S. §§ 32-516(F)(3) or 32-3233(D)(1).
- G. For any application relating to the certification of laser technicians, as described in A.R.S. § 41-1072, there is an administrative completeness review time-frame of 30 days and a substantive review time-frame of 30 days with an overall time-frame of 60 days.
- H. Certified laser technicians shall display a valid original certificate as issued by the Agency in a location that is viewable by the public.

Historical Note

New Section made by final rulemaking at 16 A.A.R. 1703, effective August 10, 2010 (Supp. 10-3).

Historical Note

Adopted effective April 2, 1990 (Supp. 90-2). Repealed effective January 2, 1996 (Supp. 96-1). New Section made by final rulemaking at 11 A.A.R. 978, effective April 3, 2005 (05-1). Amended by final rulemaking at 16 A.A.R. 1703, effective August 10, 2010; Manifest typographical errors corrected at the request of the Agency, filed August 31, 2010, file no. M10-342 (Supp. 10-3).

R12-1-1438.01. Certification and Revocation of Laser Technician Certificate

- A. An applicant for a laser technician certificate shall submit a completed application and certification that the applicant has received the training specified in A.R.S. §§ 32-516(A) or 32-3233(E).
- B. The applicant shall pay a nonrefundable fee of \$30.00. A duplicate certificate may be requested at the time of initial application or renewal at a fee of \$10.00 per certificate. To obtain a duplicate certificate at other times a laser technician shall pay \$20.00 per certificate.
- C. Initial certificates are issued for 12 months and expire on the last day of the month. A renewal application shall be accompanied by a renewal fee of \$30.00 each year in addition to \$10.00 per duplicate certificate requested.
- D. Under A.R.S. § 32-3233(I) and (J), the Agency may take appropriate disciplinary action, including revocation of the certificate of a certified laser technician. The Agency may discipline a certified laser technician who has had a relevant professional license suspended or revoked, or been otherwise disciplined by a health professional board or the Board of Cosmetology. The Agency may also discipline the certified laser technician for falsifying documentation related to training, prescriptions, or other required documentation. As provided in Article 12 of this Chapter, the Agency may assess civil penalties, suspend, revoke, deny, or put on probation a certified laser technician.

R12-1-1439. Laser and IPL Laser Technician and Laser Safety Training Programs

- A. A person seeking to initiate a medical laser or IPL laser technician training program shall submit an application to the Agency for certification that contains a description of the training program. In addition, the person shall submit a syllabus and a test that consists of at least 50 multiple choice questions on subjects covered. In the program materials, the person shall address the subjects in R12-1-1438 through this Section, and Appendix C.
- B. The Agency shall review the application and other documents required by subsections (A) and (E) in a timely manner, using an administrative completeness review time-frame of 40 days and a substantive review time-frame of 20 days with an overall time-frame of 60 days.
- C. The Agency shall maintain a list of certified laser or IPL training programs.
- D. Applicants for approval as a certified laser or IPL training program shall pay a nonrefundable \$100.00 fee.
- E. Initial certification shall be issued for 12 months and shall expire on the last day of the month. A renewal application shall be accompanied by a renewal fee of \$100.00 each year.
- F. A person seeking to initiate a medical laser or IPL laser technician safety training program shall submit an application to the Agency for certification that contains a description of the training program. In addition, the person shall submit a syllabus and a test that consists of at least 50 multiple choice questions on subjects covered. In the program materials, the person shall address the subjects in R12-1-1421 through R12-1-1444, Appendix C, and Appendix D, with emphasis on personal and public safety. The program shall also contain the training required by A.R.S. § 32-3233(E) or clearly state the portions of the training that are not provided or met if didactic certification is to take place in another program. The applicant shall conduct training in accordance with the program submitted to the Agency and certified by the Agency.

Appendix C. Hair Removal and Other Cosmetic Laser or IPL Operator Training Program

1. General Considerations. An applicant shall ensure that:
 - a. The training program is specific to the medical laser or IPL device in use and the clinical procedures to be performed;
 - b. Program content is consistent with facility policy and procedure and applicable federal and state law; and
 - c. The training program addresses hazards associated with laser or IPL device use.
2. Technical Considerations. The applicant's training program shall cover all of the following technical subjects:
 - a. Laser and IPL device descriptions
 - b. Definitions
 - c. Laser and IPL device radiation fundamentals
 - d. Laser mediums, types of lasers, and other light-emitting devices – solid, liquid, gas, and IPL devices
 - e. Biological effects of laser or IPL device light
 - f. Damage mechanisms
 - i. Eye hazard
 - ii. Skin hazard (includes information regarding skin type and skin anatomy)
 - iii. Absorption and wavelength effects
 - iv. Thermal effects
 - g. Photo chemistry
 - h. Criteria for setting the Maximum Permissible Exposure (MPE) for eye and skin associated hazards
 - i. Explosive, electrical, and chemical hazards
 - j. Photosensitive medications
 - k. Fire, ionizing radiation, cryogenic hazards, and other hazards, as applicable
3. Medical Considerations. The applicant's training program shall cover all of the following medical subjects:
 - a. Local anesthesia techniques, including ice, EMLA® cream, and other applicable topical treatments
 - b. Typical laser and IPL device settings for hair removal and cosmetic procedures
 - c. Expected patient response to treatment
 - d. Potential adverse reactions to treatment
 - e. Anatomy and physiology of skin areas to be treated
 - f. Indications and contraindications for use of pigment and vascular-specific lasers for cutaneous procedures
4. General Laser or IPL device safety. The applicant's training program shall cover the following general safety subjects:
 - a. Laser and IPL device classifications
 - b. Control measures (includes information regarding protective equipment)
 - c. Manager and operator responsibilities
 - d. Medical surveillance practices
 - e. Federal and state legal requirements
 - f. Related safety issues



Arizona Radiation Regulatory Agency
4814 South 40th Street
Phoenix, AZ 85040

Telephone: (602) 255-4845 Fax: (602) 437-0705

**AUTHORIZED HEALTH PROFESSIONAL
TRAINING AND EXPERIENCE ATTESTATION**

1. Name of individual with Professional Title (e.g., R.N. or P.A.).

2. Provide a copy of Arizona Licensing Board certification.

3. Mailing address:

4. Phone number:

5. E-mail address:

6. DIDACTIC/CLASSROOM TRAINING

Board Certification

☐

I attest that I have satisfactorily completed the requirements in R12-1-1438.A.1. and have met all required by my Arizona Licensing Board and have achieved a level of competency sufficient to function as a Health Professional for Cosmetic Laser uses in accordance with A.A.C. R12-1-1438.

AND

Training Experience

☐

I attest that I have satisfactorily completed at least 24 hours of Laser Concepts and Laser Safety didactic training from an ARRA accepted course, as required by R12-1-1438.A.1. and have attached a copy of my certificate of completion.

OR

☐

I attest that I have satisfactorily completed at least 24 hours of Laser Concepts and Laser Safety didactic training from either conferences, residency training or laser safety courses prior to October 1, 2010 and have achieved a level of competency sufficient to function as a Health Professional for Cosmetic Laser uses in accordance with A.A.C. R12-1-1438.

Signature

Date



Arizona Radiation Regulatory Agency
4814 South 40th Street
Phoenix, AZ 85040

Telephone: (602) 255-4845 Fax: (602) 437-0705

**MEDICAL DIRECTOR
TRAINING AND EXPERIENCE ATTESTATION**

1. Name of individual with Professional Title (e.g., MD, DO, NMD or NP).

2. Provide a copy of Arizona Licensing Board certification.

3. Mailing address:

4. Phone number:

5. E-mail address:

6. DIDACTIC/CLASSROOM TRAINING

Board Certification

☐

I attest that I have satisfactorily completed the requirements in R12-1-1438.A.1. and have met all required by my Arizona Licensing Board and have achieved a level of competency sufficient to function as a Health Professional for Cosmetic Laser uses in accordance with A.A.C. R12-1-1438.

AND

Training Experience

☐

I attest that I have satisfactorily completed at least 24 hours of Laser Concepts and Laser Safety didactic training from an ARRA accepted course, as required by R12-1-1438.A.1. and have attached a copy of my certificate of completion.

OR

☐

I attest that I have satisfactorily completed at least 24 hours of Laser Concepts and Laser Safety didactic training from either conferences, residency training or laser safety courses prior to October 1, 2010 and have achieved a level of competency sufficient to function as a Health Professional for Cosmetic Laser uses in accordance with A.A.C. R12-1-1438.

Signature

Date



ARIZONA RADIATION REGULATORY AGENCY

4814 South 40th Street * Phoenix, AZ 85040-2940
(602) 255-4845

Thank you for applying with the Arizona Radiation Regulatory Agency. This application must be completed in its entirety and must include the following:

- ✓ **Application:** Notarized completed application. Incomplete applications will be returned to applicant. Money Order or Cashiers Check (**NO PERSONAL CHECKS**) made out to the Laser Safety Fund - FEES ARE NON-REFUNDABLE. The initial application fee is \$30.00 and all approved procedures can be applied for at once. If you would like additional procedures to be added into your file later, after we have processed your initial application, an amendment cost another \$30.00. (Annual Renewals are \$30 per certificate). Please see *laser technician fees* on the website for further detail.
- ✓ **Passport Photo:** Original photo, not a copy.
This is an ORIGINAL photo that can be obtained at most pharmacies. No computer generated or personal camera photos will be accepted without approval.
- ✓ **Proof of Legal Residency:** A copy of your driver's license AND a copy of your social security card OR a copy of your US Passport. Please make sure that your copies are current and clearly legible. If we can't read the documentation, we can't use it. **NOTE:** If you cannot meet the above requirement OR you hold a drivers license in Washington, California, Nevada, Utah, Colorado, New Mexico, Connecticut, Delaware, Hawaii, Illinois, Vermont or Maryland and you do not have a current US passport, you will need to provide additional documentation such as a copy of your birth certificate. Please see §41-1080 for a complete list of acceptable documents. ARRA must verify an individual's presence in the U.S. is authorized under federal law prior to issuing a license.

IN ADDITION to the other documents listed above, please also include the following :

- ✓ ***Documentation of 40 hours didactic training (certificate of completion) as required by Arizona Administrative Code, Title 12, Chapter 1, Article 14, Appendix C.**
- ✓ **Letter of Approval (form found on website) signed by your Supervising Health Professional and/or Supervising Technician and/or Medical Director for at least 24 hours and 10 examinations of in room supervision in hair reduction and for any other cosmetic procedure.**
- ✓ **Logs for 24 hours and 10 examinations of in room training/supervision**
 - For Hair Reduction
 - and
 - For any other Cosmetic Procedure

PLEASE NOTE:

It is the licensees' responsibility to report any changes to your personal information. If you don't receive renewals or correspondence from this office because you've moved or have changed the way that you receive mail, you will be responsible for late fees or the expiration of your license.



ARIZONA RADIATION REGULATORY AGENCY

4814 South 40th Street * Phoenix, AZ 85040-2940
(602) 255-4845

IMPORTANT NOTICE: ARS §32-3801 provides...A professional's residential address and residential telephone number or numbers maintained by a professional board are not available to the public unless they are the only address and numbers of record.

LAST NAME		FIRST NAME	
MIDDLE NAME		MAIDEN NAME	
PERSONAL MAILING ADDRESS (Not business address)			
CITY	STATE	ZIP CODE	COUNTY
Birth Date		Social Security Number	
Male Female		Phone Number	

Have you ever applied for an Arizona Laser License, whether you actually received one? Yes No

**PREVIOUS LASER CERTIFICATE NUMBER _____

ISSUED ____/____/____ EXPIRED ____/____/____

**ORIGINAL CERTIFICATE(S) MUST BE RETURNED BEFORE A NEW ONE WILL BE ISSUED

Are you currently licensed with the Arizona Cosmetology Board?	
Yes	No
If yes, what is your license for? Cosmetologist Aesthetician	
First and last name on license? _____	
What is your license number? _____	
Original issue date? _____	Expiration date? _____

Check all procedures that you wish to apply for certification:

- ☐ Hair Reduction
- ☐ Photo Facial to include
 - ☐ Skin Rejuvenation
 - ☐ Skin Tightening
 - ☐ Wrinkle Reduction
 - ☐ Facial Erythema
 - ☐ Acne Reduction
- ☐ Vascular Reduction to include
 - ☐ Spider Vein Reduction
 - ☐ Telangiectasias
- ☐ Pigment Reduction to include
 - ☐ Lentigo Reduction
 - ☐ Ephelis Reduction
 - ☐ Acquired Adult Hemangiomas
- ☐ Non-Ablative Skin Resurfacing
- ☐ Non-Ablative Tattoo Reduction
- ☐ Cellulite Reduction
- ☐ Laser Peel
- ☐ Other _____

FOR OFFICE USE ONLY

I: ____/____/____
E: ____/____/____
I: ____/____/____
E: ____/____/____

(MUST BE CURRENT)

1. MOST CURRENT EMPLOYER

EMPLOYER _____ AREA CODE/PHONE # / EXT _____

ADDRESS _____ CITY _____ STATE _____ ZIP CODE _____

EMPLOYED FROM: _____ TO _____

MO/YR MO/YR

NAME OF ADMINISTRATOR OR DEPT DIRECTOR _____

(Laser Certification Application continued)

2. PREVIOUS EMPLOYER:

EMPLOYER _____ AREA CODE / PHONE # / EXT _____
ADDRESS _____ CITY _____ STATE _____ ZIP CODE _____
NAME OF SUPERVISOR _____ SUPERVISOR PHONE _____ EMPLOYED FROM: _____ to _____
MO/YR MO/YR

3. EDUCATIONAL INFORMATION

LASER TRAINING INSTITUTION _____ TYPE OF TRAINING (DIPL., CERT., DEGREE) _____
ADDRESS OF INSTITUTION _____ CITY _____ STATE _____ MO. & YR OF GRADUATION _____ PHONE NUMBER _____
OTHER DEGREES _____ MAJOR _____ WHERE OBTAINED _____ YEAR _____

ARRA participates in the Employment Eligibility Verification Program.

I attest, under penalty of perjury, that I am (check one of the following):

☐ A citizen or national of the United States

☐ A lawful permanent resident (Alien #) _____

An alien authorized to work until _____ (Alien # or Admission #) _____

Having filed an application for certification by the Arizona Radiation Regulatory Agency (ARRA), I authorize and request every person, company, governmental agency or institution having control of information pertaining to my educational and professional background to furnish to ARRA information pertaining to this application and to permit ARRA or its representatives to inspect and make copies of such information.

I hereby release ARRA and its representatives from any liability arising out of the furnishing or inspection of such information. The Authorization and Release form will only be utilized by ARRA to confirm application matters relevant to education, work history, and enforcement matters.

I, _____ (type or print name), do solemnly swear or affirm that the foregoing information completed by me, or submitted by or for me, is true, complete and correct to the best of my knowledge. Furthermore, should any part of the information herein provided prove to be false, it shall be just cause for the revocation of any Certificate issued by Arizona Radiation Regulatory Agency.

NOTARY PUBLIC

Subscribed and sworn to before me this _____ day of _____ 20____

SIGNATURE OF APPLICANT

DATE

Notary Public

My commission expires: _____

NOTICE: Incomplete applications will be returned to applicant.
Do not leave any area blank.

SUPERVISING LASER TECHNICIAN LETTER OF APPROVAL

As Medical Director of _____, I, _____, certify that
(Name of Facility) (Print Name of Medical Director)

_____ is an Arizona Radiation Regulatory Agency certified supervising
(Print Name of Supervising Laser Technician)

laser technician and was the hands-on instructor and present in the room during

_____ 's 24 hours of hands-on laser and/or IPL hair reduction training and
(Print Name of Laser Trainee)

has performed a minimum of 10 treatments. I have verified that _____ has
(Print Name of Laser Trainee)

completed the training and supervision per A.R.S. §§32-516 and/or 32-3233.

I also certify that that _____ is an Arizona Radiation Regulatory Agency
(Print Name of Supervising Laser Technician)

certified supervising laser technician and was the hands-on instructor and present in the room

during _____ 's 24 hours of hands-on laser and/or IPL training and
(Print Name of Laser Trainee)

performed in a minimum of 10 treatments of the below listed modalities. I have verified that

_____ has completed the additional training and supervision per A.R.S.
(Print Name of Laser Trainee)

§32-516 and/or §32-3233.

ONLY CHECK THE MODALITIES/PROCEDURES YOU ARE APPLYING FOR

MODALITY/PROCEDURE

- ☐ Hair Reduction
- ☐ Spider Vein Reduction
- ☐ Skin Rejuvenation
- ☐ Non-Ablative Skin Resurfacing
- ☐ Skin Tightening
- ☐ Wrinkle Reduction
- ☐ Telangiectasias

MODALITY/PROCEDURE

- ☐ Laser Peel
- ☐ Acquired Adult Hemangiomas
- ☐ Facial Erythema
- ☐ Acne Scar Reduction
- ☐ Solar Lentigos Reduction (Age Spots)
- ☐ Ephelis Reduction (Freckles)
- ☐ Photofacial
- ☐ Other: _____

Signature of ARRA Certified Supervising Laser Technician

Date

Print Name of Medical Director

Signature of Medical Director

Date

SUPERVISING PRESCRIBING HEALTH PROFESSIONAL APPROVAL LETTER

As Medical Director of _____, I, _____, certify that I was the
(Name of Facility) (Name of Current Medical Director)
hands-on instructor and present in the room during _____'s 24 hours of
(Print Name of Laser Trainee)
hands-on laser and/or IPL hair reduction training and has performed a minimum of 10 treatments. I
have verified that _____ has completed the training and supervision per
(Print Name of Laser Trainee)
A.R.S. §§32-516 and/or 32-3233.

I also certify that I was the hands-on instructor and present in the room during
_____ 's 24 hours of hands-on laser and/or IPL training for other cosmetic
(Print Name of Laser Trainee)
procedures and performed in a minimum of 10 treatments of the below listed modalities. I have
verified that _____ has completed the additional training and supervision per
(Print Name of Laser Trainee)
A.R.S. §32-516 and/or §32-3233.

ONLY CHECK THE MODALITIES/PROCEDURES YOU ARE APPLYING FOR

MODALITY/PROCEDURE

- ☐ Hair Reduction
- ☐ Spider Vein Reduction
- ☐ Skin Rejuvenation
- ☐ Non-Ablative Skin Resurfacing
- ☐ Skin Tightening
- ☐ Wrinkle Reduction
- ☐ Telangiectasias

MODALITY/PROCEDURE

- ☐ Laser Peel
- ☐ Acquired Adult Hemangiomas
- ☐ Facial Erythema
- ☐ Acne Scar Reduction
- ☐ Solar Lentigos Reduction (Age Spots)
- ☐ Ephelis Reduction (Freckles)
- ☐ Photofacial
- ☐ Other: _____

Print Name of Medical Director

Signature of Medical Director

Date

SUPERVISING HEALTH PROFESSIONAL LETTER OF APPROVAL

As Medical Director of _____, I, _____, certify that
(Name of Facility) (Print Name of Medical Director)

_____ is an Arizona Radiation Regulatory Agency certified supervising
(Print Name of Supervising Health Professional)

laser technician and was the hands-on instructor and present in the room during

_____ 's 24 hours of hands-on laser and/or IPL hair reduction training and
(Print Name of Laser Trainee)

has performed a minimum of 10 treatments. I have verified that _____ has
(Print Name of Laser Trainee)

completed the training and supervision per A.R.S. §§32-516 and/or 32-3233.

I also certify that that _____ is an Arizona Radiation Regulatory Agency
(Print Name of Supervising Health Professional)

certified supervising laser technician and was the hands-on instructor and present in the room

during _____ 's 24 hours of hands-on laser and/or IPL training and
(Print Name of Laser Trainee)

performed in a minimum of 10 treatments of the below listed modalities. I have verified that

_____ has completed the additional training and supervision per A.R.S.
(Print Name of Laser Trainee)

§32-516 and/or §32-3233.

ONLY CHECK THE MODALITIES/PROCEDURES YOU ARE APPLYING FOR

MODALITY/PROCEDURE

- ☐ Hair Reduction
- ☐ Spider Vein Reduction
- ☐ Skin Rejuvenation
- ☐ Non-Ablative Skin Resurfacing
- ☐ Skin Tightening
- ☐ Wrinkle Reduction
- ☐ Telangiectasias

MODALITY/PROCEDURE

- ☐ Laser Peel
- ☐ Acquired Adult Hemangiomas
- ☐ Facial Erythema
- ☐ Acne Scar Reduction
- ☐ Solar Lentigos Reduction (Age Spots)
- ☐ Ephelis Reduction (Freckles)
- ☐ Photofacial
- ☐ Other: _____

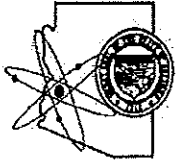
Signature of ARRA Certified Supervising Laser Technician

Date

Print Name of Medical Director

Signature of Medical Director

Date



ARIZONA RADIATION REGULATORY AGENCY

4814 South 40th Street * Phoenix, AZ 85040-2940

(602) 255-4845

<http://www.azrra.gov>

Thank you for applying with the Arizona Radiation Regulatory Agency. This Laser and IPL Training Program Application must be completed in its entirety and must include the following:

- ✓ **Application:** Notarized completed application. Incomplete applications will be returned to applicant. Money Order or Cashiers Check (**NO PERSONAL CHECKS**) made out to the Laser Safety Fund. The initial application is \$100.00 for each training school. (Renewals are \$100/annual) Fee is non-refundable
- 1) Owner information (Contact Information)
- 2) Legal Structure-please indicate the legal structure of the applicant. NOTE: for all cases indicate the State, etc, under which the entity is organized and any Arizona Agent representing the entity.
 - Complete E-Verify (if applicable) Please refer to the following page.
- 3) School Information-Name and Address/Contact information of school.
- 4) Training Information-Provide instructor/Medical Director documentation for each of the applicable courses.
 - **Didactic course only** (at least 40 hours of classroom instruction)
 - Documentation of didactic instructor's training (Must be LSO or have documentation of LSO equivalent training.)
 - **Didactic plus hands-on training** (at least 40 hours of classroom instruction plus additional time for directly supervised hands on procedures)
 - Documentation of didactic instructor's training (Must be LSO or have documentation of LSO equivalent training.)
 - Documentation of instruction teaching hands-on procedure training. (Must have at least 100 hours hands-on training per procedure he or she wishes to teach)
 - Documentation of Medical Director's 24 hour Didactic Training on Subjects in Arizona Administrative Code, Article 14, Appendix C.
 - **Hands-on course only** (Course can only be provided to laser technicians with a provisional certificate from an ARRA accepted school and provides directly supervised hands-on procedures)
 - Documentation of Laser Safety Officer training (Must be LSO or have documentation of LSO equivalent training.)
 - Documentation of instruction teaching hands-on procedure training. (Must have at least 100 hours hands-on training per procedure he or she wishes to teach)
 - Documentation of Medical Director's 24 hour Didactic Training on Subjects in Arizona Administrative Code, Article 14, Appendix C.
- 5) Course Information- Provide all training course's name, course number and number of hours
 - Provide an example copy of the Certificate issued to students (one for each type of course taught)
- 6) Verification of Attendance-Explain method of tracking hours/students and verification of identity.
- ✓ **Medical Director Attestation Form:** Fill out a Attestation form for each Medical Director and Alternate Medical Director (if needed)

✓ **School Training Packet:** Please supply a packet to the Agency with most updated information of the following:

- Name and Address (for all courses)
- Breakdown of subjects by hours per day/week of each course (for all courses)
- Curriculum or course guidelines (for all courses)
- Inventory of equipment to be utilized (for hands-on courses)
- Type of diploma/certificate awarded (please provide a copy for each type of course provided) (for all courses)
- A schedule that includes the hours of each day and each day of the calendar week during which the school will be open for instruction. (for all courses)

PLEASE NOTE: *It is the licensees' responsibility to report any changes to your personal information. If you don't receive renewals or correspondence from this office because you've moved or have changed the way that you receive mail, you will be responsible for late fees or the expiration of your license.*

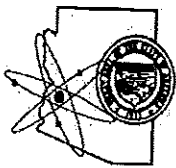
If your legal structure is categorized as an individual or sole proprietor, please refer to the following:

➤ **Proof of Legal Residency:**

- An applicant must present documentation verifying citizenship or immigration status.

Therefore, please provide the following:

A legible copy of both your driver's license AND your social security card OR a copy of your US Passport. If we can't read the documentation, we will be unable to process your application.



ARIZONA RADIATION REGULATORY AGENCY

4814 South 40th Street * Phoenix, AZ 85040-2940
(602) 255-4845

LASER/IPL TECHNICIAN AND SAFETY TRAINING PROGRAM APPLICATION

FEE: \$100.00 (NON-REFUNDABLE)

TYPE OF PROGRAM:

DIDACTIC ONLY ☐

DIDACTIC AND HANDS-ON ☐

HANDS-ON ONLY ☐

FIRST LICENSE: ☐

RENEWAL: ☐

LOCATION/OWNER CHANGE: ☐

1) OWNER'S INFORMATION:

Applicant's Name: _____

Home Address: _____

Telephone# work: (____) _____ cell: (____) _____

2) LEGAL STRUCTURE: Applicant is a(n):

☐ Individual* ☐ Partnership ☐ Corporation ☐ Limited Liability Corp. ☐ Non-Profit

***INDIVIDUAL OR SOLE PROPRIETOR INFORMATION:** Type or print your name as it appears on your social security card. Applicants in this classification are required to submit a legible copy of their driver's license and social security card for verification of U.S. Citizenship (A.R.S. §1-501)

LAST NAME _____ FIRST NAME _____ MIDDLE NAME _____ MAIDEN NAME _____

RESIDENCE _____ CITY _____ STATE _____ ZIP _____ COUNTY _____

PARTNERSHIP INFORMATION: Please provide the name and address of each individual or legal entity owning a partnership

Name	Title	Address	City	Zip	% owned
------	-------	---------	------	-----	---------

Name	Title	Address	City	Zip	% owned
------	-------	---------	------	-----	---------

CORPORATION INFORMATION: State of Incorporation _____ and Stock Information.

#AUTHORIZED STOCKS	# ISSUED SHARES	# SUBSCRIBED SHARES	TOTAL STOCKHOLDERS	TOTAL SUBSCRIBERS
--------------------	-----------------	---------------------	--------------------	-------------------

Is the applicant corporation directly or indirectly controlled by another corporation or other legal entity? _____

If "yes", please give name and address of other corporation or legal entity and describe how such control exists and the extent of control.

LIMITED LIABILITY CORPORATION INFORMATION:

Memberships: _____ Ownerships: _____

3) SCHOOL INFORMATION:

Name under which school is to be operated: _____

Address of the school: _____

City: _____ State: _____ Zip Code: _____

School Phone #: (____) _____ Fax: (____) _____

School's email address: _____ Website address: _____

4) TRAINING INFORMATION:

a) If your course provides Didactic instruction:

i) Name of instructor(s) teaching didactic portion:

Please provide a copy of each instructor's LSO certificate or documentation of LSO training equivalency.

b) If your course provides Hands-On Instruction:

i) Name of instructor(s) teaching hands-on procedures:

For each instructor that is teaching hands-on procedures, please provide documentation that each instructor has at least 100 hours of hands-on experience per procedure being taught. (Provide documentation of hours and types of procedures-See Example)

ii) Name of Laser Safety Officer:

If not the same person as indicated in #4a, please provide a copy of LSO certificate or documentation of LSO training equivalency.

iii) Name of Medical Director and, if needed, Alternate Medical Director:

Please provide a current copy of the Medical Director's Arizona Board License and documentation of Medical Director's 24 hour didactic training on subjects listed in Arizona Administrative Code, Article 14, Appendix C.

5) COURSE INFORMATION: List Training Courses (Course Name and Course Number)

COURSE NAME	COURSE #	# OF HOURS
COURSE NAME	COURSE #	# OF HOURS
COURSE NAME	COURSE #	# OF HOURS

For each different training course, please provide an example copy of the certificate that will be awarded upon completion

6) VERIFICATION OF ATTENDANCE:

- a) Explain how the school or staff verifies that each student has attended or participated in the course to meet the Arizona Radiation Regulatory Agency's 40 hour didactic training requirement. (What is the method used to track the students time/days throughout the course?)

- b) Explain how the school or staff verifies that each student who obtains a school issued certificate is the actual person who attended or participated in the course for the full required 40 hours.

Having filed an application for certification by the Arizona Radiation Regulatory Agency (ARRA), I authorize and request every person, company, governmental agency or institution having control of information pertaining to my educational and professional background to furnish to ARRA information pertaining to this application and to permit ARRA or its representatives to inspect and make copies of such information.

I hereby release ARRA and its representatives from any liability arising out of the furnishing or inspection of such information. The Authorization and Release form will only be utilized by ARRA to confirm application matters relevant to education, work history, and enforcement matters authorized by Arizona Revised Statutes 32.2801, et. Seq.

I, _____ (type or print name), do solemnly swear or affirm that the foregoing information completed by me, or submitted by or for me, is true, complete and correct to the best of my knowledge. Furthermore, should any part of the information herein provided prove to be false, it shall be just cause for the revocation of any Certificate issued by Arizona Radiation Regulatory Agency.

ARRA participates in the Employment Eligibility Verification Program.

I attest, under penalty of perjury, that I am (check one of the following):

☐ A citizen or national of the United States

☐ A lawful permanent resident (Alien #) _____

An alien authorized to work until _____ (Alien # or Admission #) _____

NOTARY PUBLIC

SIGNATURE OF APPLICANT

Subscribed and sworn to before me this _____ day of _____ 20____

DATE

Notary Public

My commission expires: _____

**NOTICE: Incomplete applications will be returned to applicant.
Do not leave any area blank.**

Overview of the Cosmetic Lasers Monitoring Process

Cosmetic Lasers Study Committee,

House of Representatives

October 19, 2016

Chairman Representative Warren Petersen

Presenter: Gary Begley

Chairman Petersen and esteemed committee. Thank you for allowing me to address you today on behalf of the Arizona Board of Cosmetology. My name is Gary Begley. I am the current Chairman of the Board for the Cosmetology for Arizona. I have been continuously in this position since 2010. I am a licensed Esthetician, a Certified Supervising Laser Technician and a Certified Laser Safety Officer. I established and currently operate the first licensed Aesthetic school that was fully integrated with Cosmetic laser technology. I have been actively involved in the Medical and Cosmetic laser industry since 1984. Now totaling 32 years. I consider my school to be an Aesthetic research facility and have I have written several texts over the years about Cosmetic Laser technologies. In my industry I have received recognition for my interest in the sciences of collagen synthesis and manipulation.

I am here today to discuss the AZ Board of Cosmetology's Cosmetic Laser Monitoring Process. The AZBOC is a mature regulatory agency with an experienced, well managed staff. AZBOC has an exceptional safety record in Cosmetic Laser use and has proven competent at protecting the public in the manner it is chartered to perform. AZBOC currently performs 600-700 inspections per month at licensed salons in AZ. AZBOC also investigates 25-35 consumer complaints per month. AZBOC does this with five Investigators and two inspectors. AZBOC operations are conducted by 14 additional staff members. AZBOC staff is in the field every day working to protect the consumer by ensuring that AZBOC licensees are compliant with the Laws and Rules of Arizona that are applicable to their professional licenses.

In order to protect the public safety, licensed Aestheticians or Cosmetologists are required to work in licensed Salons. Licensed Salons are required to only employ licensed Aestheticians or Cosmetologists. By operating in this manner AZBOC Inspectors are able to perform routine inspections and monitor the Salons to ensure infection control standards are maintained. Since all licensees are required to work in these licensed Salons, AZBOC is able to monitor the working methods used by the Licensees through their inspections of the Salons. Licensed Salons are legally restricted from employing ARRA Certified laser technicians that are unlicensed by the AZ Board of Cosmetology to perform services. The Arizona Board of Cosmetology must require this because they cannot verify the education or training of an unlicensed Laser Technician. If AZBOC cannot verify the education of the Laser Technician AZBOC cannot ensure proper sanitation techniques or technical skills to be utilized because of the uncertainty of the educational quality. These are significant factors in keeping the public safe. When Cosmetic Laser Services are provided by an AZBOC licensed Salon, the work is required to be done by either an Arizona Board of Cosmetology Licensed Aesthetician or Cosmetologist.

Overview of the Cosmetic Lasers Monitoring Process

AESTHETICIAN TRAINING:

Arizona law requires that an Aesthetician be trained for 600 hours in skin sciences and Client services and infection control. This training includes both classroom and clinical experiences. AZBOC licensed schools teach from nationally approved textbooks following a standardized curriculum. The curriculum is focused entirely on skin sciences and treatments. A strong emphasis within this area of study is establishment and maintenance of infection control procedures ensuring the health and safety of the Client and Technician. At the completion of the 600 hours of training, the student is required to pass two national standard examinations which again includes theory and practical testing with a strong focus on infection control and safety.

LASER TRAINING:

The ARRA's Program Manager has just reviewed the ARRA's laser training criteria. The ARRA program is appropriately centered around established national laser safety standards. The standards the Medical and Cosmetic Laser Industries follow are established by the American National Standards Institute (ANSI). The document, "ANSI Z136.1 Safe Use of LASERS" spells out the national standards for laser safety. This is a dynamic document that is reviewed and updated on a regular basis based on the changing technological environment. This ANSI document, dedicated to laser safety and accepted as our national standard for laser safety, establishes the position of Laser Safety Officer (LSO). The ARRA and the AZBOC recognize the value and importance of the Certified Laser Safety Officer. The ARRA currently Certifies Laser Training schools to teach Certified Laser Safety Officer courses. ANSI Z136.1 requires an LSO be formally designated, based on satisfactory completion of this type of course, and that the LSO be present at the laser facility during all treatment hours providing direct supervision for all facility Laser Technicians. The LSO job description is well documented in the national standards and has been for many years. The LSO reports safety issues directly to the Medical Director of the facility following an established methodology. An Aesthetician or Cosmetologist licensed by the Arizona Board of Cosmetology, that has also completed the ARRA Certified Laser Technician course, can become a Certified Laser Safety Officer with additional specialized education.

INSPECTION:

When an inspection or an investigation is performed by AZBOC in a licensed Salon, offering laser services, the AZBOC Inspector verifies that the laser equipment is registered with the ARRA, as required by law, and that any laser service advertised to the public is provided by a licensed Aesthetician or Cosmetologist that has a Laser Technician's Certification by the ARRA to perform that same laser service. The AZBOC also verifies that the Salon is Certified by the ARRA as a laser facility. These Certification documents are required to be posted in a place easily available to the public for view. The AZBOC Inspector compares the Laser Technician Certifications and Aesthetic licenses to the advertised services to see if they are congruent. At the time of this inspection, the AZBOC Inspector will also verify infection control practices and standards being used by the Salon. The AZBOC Inspector will follow a standardized inspection procedure. The Inspection Sheet (report) must be then posted by the Salon management for public view.

If the AZBOC receives a complaint from the public about a possible safety violation or unlicensed activity, a formal complaint is generated. The AZBOC Chief of Inspections assigns an Investigator to review the complaint factors and to investigate the possibility of an infraction. The AZBOC Investigator

Overview of the Cosmetic Lasers Monitoring Process

will research internet advertising to see if the indicated service is offered by the facility. The Investigator will usually contact the Licensee to inquire about related information and typically perform a site inspection to establish or disprove the accusations. If a safety violation is established, a citation is issued and the Licensee is offered time to respond with evidence to the findings. A monthly Arizona Board of Cosmetology meeting allows an opportunity for the Licensee to approach the Board to address the Investigator's findings with evidence, if they desire. The Board will review the evidence and any testimony and rule on the case. If the Licensee is unwilling to accept the Board judgement, they have a right to appeal at a formal Administrative Hearing.

CURRENT SAFETY RECORD

The AZBOC licensing and inspection system has proven to be very effective in ensuring consumer safety. The Arizona Board of Cosmetology has not received any complaints related to the licensees use of Cosmetic Lasers. Neither has the Arizona Board of Cosmetology issued any citations to an Aesthetician or Cosmetologist for malpractice regarding Cosmetic Laser use since this system has been in use. AZBOC has had the use of Cosmetic Lasers in the scope of practice of licensed Aestheticians and Cosmetologists since 2008. The Arizona Board of Cosmetology has reviewed the safety records and discussed reasons for the success of this program. The Board jointly agrees and believes the reasons for the extraordinary safety records are:

- specific educational requirements that an Aesthetician and Cosmetologist must complete in skin sciences and infection control
- the value an Aesthetician and Cosmetologist places on their Professional license
- the support for those licensees provided by the Arizona Board of Cosmetology's high level inspection process.

CONCLUSION

The AZBOC asks that a Certified Laser Safety Officer (LSO) be allowed, consistent with "ANSI Z136.1 Safe Use of LASERS", to act as the direct supervisor on site reporting to the Salon's Medical Director. This is how Laser Schools currently legally operate in AZ. It is how Salons should be able to operate in AZ. By emphasizing the role of the Laser Safety Officer this adjustment to AZ law would improve public safety. The role of the Medical Director would not be diminished in any way, and would gain in operating efficiency.

Thank you for your time and consideration in assisting the AZBOC in improving Cosmetic Laser Safety in Arizona.

January 26, 2016

The Honorable Warren H. Peterson
Chair, Commerce Committee
1700 W. Washington, Room 312
Phoenix, AZ 85007
Submitted electronically to: wpeterson@azleg.gov

Re: OPPOSE HB 2035

Dear Chairman Petersen:

On behalf of the undersigned organizations, we are writing to express our opposition to House Bill 2035, which would allow cosmetologists and aestheticians to perform laser procedures with inadequate training and without the necessary oversight of a physician. Together, as medical organizations, our utmost concerns are patient care and patient safety. Quality patient care is rooted in evaluating a patient's needs and current condition(s), selecting an appropriate course of treatment, and providing adequate information and follow-up care.

The Safety of Arizona Patients is at Risk

As written, our organizations believe that HB 2035 puts patients at risk by allowing aestheticians and cosmetologists to perform laser procedures without sufficient training and supervision. While laser procedures are extremely safe and effective when used by medical professionals with appropriate training and oversight, in the wrong hands they can cause painful burns and permanent scarring. Even when used at the manufacturer's recommended settings, these devices can cause profound skin injury.

We believe that procedures using lasers and pulsed-light devices are more safely performed by a physician or under the direct, on-site supervision of the physician. Physicians complete a rigorous undergraduate academic curriculum, four years of medical school, 3-7 years of residency, and 12,000-16,000 hours of patient care training. In comparison, under current Arizona law, aestheticians and cosmetologists who wish to perform procedures using laser or pulsed-light devices must complete either an aesthetician or cosmetology course, only 40 hours of didactic training, and only 24 hours of hands-on use of lasers or pulsed-light devices.

In light of this extreme difference in training and education, only physicians have the appropriate medical qualifications to immediately recognize an adverse response to laser treatments, such as subtle tissue whitening or graying. Such responses may indicate thermal injury, which would require immediate discontinuation of treatment and appropriate medical management. Without a physician on-site to manage any possible complications, the safety of the patient is at risk.

Evidence of Increased Injury by Non-Physicians

A 2013 study demonstrates that there has been a recent rapid increase in malpractice claims filed against non-physician operators, particularly for botched cosmetic procedures.¹ This study, which looked at malpractice claims from 1999-2012 related to cutaneous laser surgery, found that 42% of the cases involved a non-physician operator. From 2004-2012, a trend was observed toward an increased

¹ Jallian H. R., Avram, M. (2013, October 16). Increased Risk of Litigation Associated With Laser Surgery by Nonphysician Operators. *JAMA Dermatol*. doi:10.1001/jamadermatol.2013.7117.

proportion of lawsuits stemming from cutaneous laser surgery performed by non-physicians. This trend is most notable from 2008 to 2011, during which time the percentage of cases involving a non-physician increased from 36% to 77%.

Additionally, a study done by Vic A. Narurkar, MD², which reviewed 123 complications that resulted from laser treatment received from non-physicians, concluded that the greatest risk factors for complications are the inappropriate use of or overutilization of devices, inadequate cooling with devices, and the lack of direct physician supervision. In fact, the study showed that 82% of all complications occurred in facilities that had no direct physician supervision.

We appreciate the opportunity to provide written comments on this important public health issue. In order to protect the citizens of Arizona from adverse events and to ensure quality care, the undersigned urge members of the Commerce Committee to oppose HB 2035. For further information, please contact Jake Johnson, Manager of Advocacy and Practice Affairs for the American Society for Dermatologic Surgery Association, at jjohnson@asds.net or 847-956-9145, as staff representative to this coalition effort.

Sincerely,

American Academy of Dermatology Association
American Academy of Facial Plastic and Reconstructive Surgery
American Society for Aesthetic Plastic Surgery
American Society for Dermatologic Surgery Association
American Society for Laser Medicine and Surgery
American Society of Ophthalmic Plastic and Reconstructive Surgery
American Society of Plastic Surgeons

Cc: Members of the House Commerce Committee

Honorable Speaker David Gowan

² Narurkar, V.A. M.D. (2005). Complications from Laser Procedures Performed by Non-Physicians. *Skin & Aging*, 13(9), 70-71.



Email (mailto:)



Print

Principles for Non-Physician Use of Laser and Related Technology

APPROVED BY THE BOARD OF DIRECTORS
AMERICAN SOCIETY FOR LASER MEDICINE AND SURGERY, INC.
AUGUST 2, 2012

1. Any physician who delegates a procedure to a non-physician must be qualified to do these laser and related procedures themselves by virtue of having received appropriate training in laser physics, safety, surgical techniques, pre- and post-operative care. The physician must be able to recognize complications and provide expeditious treatment to minimize an adverse outcome.
2. Any licensed medical professional employed by a physician to perform a procedure must receive appropriate documented training and education in the safe and effective use of each system, be a licensed medical professional in their state, and carry adequate malpractice insurance for that procedure.
3. A properly trained and licensed medical professional may deliver these specifically designed procedures only under direct, on-site physician supervision following written procedures and/or policies established by the specific site at which the procedure is performed. Such conduct of procedures and any delegation thereof must only be performed in compliance with the specific regulations of the State Medical Board and State licensing authorities, with respect to scope of practice and training.
4. Since the ultimate responsibility for performing any procedure lies with the supervising physician, the physician should be available on-site to respond to immediately to any untoward event.

The guiding principle for all physicians is to practice ethical medicine with the highest possible standards to ensure the best interest and welfare of each patient is guaranteed. The ASLMS supports the delivery of safe and effective laser and related procedures performed by properly trained, licensed, and supervised medical professionals.

The aforementioned devices refer to those classified by the FDA as Class IIb or Class IV devices.

ATTACHMENT 4



American Academy of Dermatology Association

Excellence in Dermatology™

Protecting Patient Safety & Ensuring Quality Care: State Regulation of Medical Spa Facilities

Frequently Asked Questions

The global market for medical aesthetic procedures is growing and is forecast to reach approximately \$4 billion in 2017. According to the American Society of Plastic Surgeons (ASPS), 11.6 million minimally invasive procedures were performed in 2010. The top five minimally-invasive procedures include the use of botulinum toxins (5.4 million); soft tissue fillers (1.8 million); chemical peels (1.1 million); laser hair removal (938,000); and microdermabrasion (825,000).

As the demand for services expands, so does the need for appropriate oversight. The American Academy of Dermatology Association (AADA) has developed a position statement and model statute to aid members, state dermatology societies, state medical societies, state medical boards, and policymakers in regulating medical spa facilities and protecting patient safety.

Why are regulations needed?

Medical spas are facilities that offer a range of services, including medical and surgical procedures, for the purpose of improving an individual's well-being and/or appearance. Most existing state laws do not explicitly recognize medical aesthetic services as the practice of medicine and surgery.

In these settings, medical aesthetic services are provided by physicians, as well as non-physicians. These providers often have limited or no formal training or education in aesthetic medicine and may be operating with limited or no supervision by a licensed and qualified physician. As such, patient safety and quality of care can be jeopardized.

What are the key elements of these regulations?

Standards of practice for the performance of medical aesthetic services in a medical spa facility are crucial to protect patient safety and ensure quality care. These standards include training and education requirements of both physicians and non-physicians performing services, written treatment plans and procedure protocols, and reporting of adverse events, in addition to facility licensure, inspection and state enforcement.

Is this an attempt to restrict the performance of medical aesthetic services?

No. Patient safety concerns necessitate appropriate regulation of medical spa facilities by establishing laws to govern the performance of medical aesthetic services in these facilities. Media reports from around the country continue to highlight adverse events, ranging from burns to patient death, as a result of a medical aesthetic services performed in non-traditional settings, such as medical spas, with limited to no supervision or formal training of the provider.

How will this affect existing state laws?

It is crucial to update existing state laws, if applicable, to account for a rise in demand for medical aesthetic services. In addition, many states do not explicitly recognize these types of procedures as the practice of medicine and surgery – which is paramount to protecting patient safety. The AADA's model statute is intended to provide a full picture of necessary regulations to provide oversight of the medical spa industry and enact important patient safeguards. The model statute can be adapted to account for existing state laws – e.g., certification for laser hair removal practitioners.

Do any states currently regulate medical spa facilities?

Currently, only a few states address the performance of medical aesthetic services or medical spa facilities. Maryland has the most comprehensive regulations in place regarding the performance, delegation and supervision of medical aesthetic services (COMAR 10.32.09). Iowa currently has regulations addressing the role of the medical spa director (Iowa Code Chapter 13 and Chapter 23), while Colorado also has regulations governing the delegation and performance of medical aesthetic services (12-36-106(3)(I), C.R.S.). No state law or regulations currently address all components of the AADA's model statute. Many states have laws governing the use of lasers and the corporate practice of medicine.

For more information, please contact the American Academy of Dermatology Association at 202-842-3555 or email Kathryn Chandra, Assistant Director of State Policy, at kchandra@aad.org.

Position Statement
on
Medical Spa Standards of Practice
(Approved by the Board of Directors: May 7, 2011)

This position statement establishes standards of practice for the performance, delegation, assignment, and supervision of medical and surgical procedures performed by a physician or non-physician under a physician's direction at a medical spa facility.

Medical spas are facilities that offer a range of services, including medical and surgical procedures, for the purpose of improving an individual's well-being and/or appearance. The distinguishing feature of medical spas is that medicine and surgery are practiced in a non-traditional setting.

Procedures by any means, methods, devices, or instruments that can alter or cause biologic change or damage the skin and subcutaneous tissue constitute the practice of medicine and surgery. These include but are not limited to the use of: scalpels; all lasers and light sources, microwave energy, electrical impulses, and all other energy emitting devices; thermal destruction; chemical application; particle sanding; and other foreign or natural substances by injection or insertion.

Any procedure that constitutes the practice of medicine, including but not limited to any procedure using a Food and Drug Administration (FDA)-cleared or regulated device that can alter or cause biologic change or damage, should be performed only by an appropriately-trained physician or appropriately-trained non-physician personnel under the direct, on-site supervision of an appropriately-trained physician in accordance with applicable local, state, or federal laws and regulations.

The optimal quality of medical aesthetic care is delivered when a qualified and licensed physician provides direct, on-site supervision to all qualified and licensed non-physician personnel. On-site supervision means a supervising physician that is both present at the site and is able to respond immediately, in-person, during a delegated or assigned medical aesthetic procedure. Each medical spa facility should maintain up-to-date written procedures regarding appropriate delegation and supervision protocols for all medical aesthetic procedures performed within the facility.

A medical director of a medical spa facility should be clearly identified by licensure, medical specialty, training and education, as the medical director in all marketing materials and Internet Web sites related to the medical spa facility. If marketing materials mention a physician's board-certification, the certifying board and specific specialty should be stated, e.g., Diplomate of the American Board of Medical Specialties (ABMS) in Dermatology. Furthermore, the medical director shall ensure that marketing and advertising materials of a medical spa facility do not include false, misleading, or deceptive representations.

POSITION STATEMENT – MEDICAL SPA STANDARDS OF PRACTICE
PAGE 2 of 2

A medical director shall be ultimately responsible for all acts personally delegated or delegated by an assigned supervising physician to non-physician personnel in a medical spa facility. A medical director or supervising physician is responsible for performing an initial assessment of each patient in a medical spa facility, preparing a written treatment plan, obtaining informed consent from all patients including disclosure of personnel performing the procedure(s), creating and maintaining patient medical records in accordance with local, state and federal laws and regulations, and reviewing all patient charts. Any adverse events that occur as a result of the performance of a medical aesthetic service must be reported immediately to the facility's medical director and supervising physician.

Any physician or non-physician personnel who provide medical aesthetic care must be qualified to: 1) perform such services by virtue of having received appropriate theoretical and clinical instruction and training in each service to be performed including safety, clinical application, pre- and post-procedural care; and 2) handle any resultant emergencies or sequelae. Any licensed physician or non-physician employed by a medical spa facility, including a medical director, must have received appropriate documented training and education in the safe and effective performance of all medical aesthetic services performed in the facility. Continuing medical education of all licensed medical professionals should be mandatory and repeated with reasonable frequency to help ensure maximal proficiency. This documented training and education must be readily available to the public and must include instruction in the use of all FDA-cleared or regulated products or devices used or provided by the medical spa facility.

Medical spa facilities should be licensed and inspected on a regular basis to ensure compliance with all applicable federal and state laws. Medical spa facilities must be able to prove they have the necessary personnel, equipment and protocols to safely perform all offered procedures and handle any emergencies or sequelae that may arise. Any incident within the medical spa facility that results in a patient death, transport of the patient to the hospital, or a significant complication or adverse event requiring additional medical treatment, shall be reported to the appropriate state agency, the FDA if cleared or regulated devices were involved, or both. Medical spa facilities, medical directors, and all non-physician personnel shall maintain appropriate liability insurance or communicate lack of insurance in advance to all patients.

Patient health and safety is paramount and should not be compromised in the interest of financial gain. Therefore, owners and employees of medical spa facilities who are not licensed to practice medicine shall not exercise control over an employed physician's medical judgment or engage in decisions related to patient care and/or the performance of medical aesthetic services.

This Position Statement is intended to offer guiding principles regarding the practice of medicine and surgery in medical spa facilities. This Position Statement is not intended to establish a legal standard of care.

Lasers and Safety

BEST PRACTICES FOR DELEGATION OF LASER PROCEDURES

Bill H Halmi, MD

- ▶ Board Certified Dermatologist
- ▶ 25 years
- ▶ Adjunct Assistant Professor of Dermatology , Mayo Clinic
- ▶ > 25,000 laser procedures / ~20 different lasers
- ▶ Speaking on behalf of Arizona Dermatology and Dermatologic Surgical Society and the American Society of Dermatologic Surgery

Misconceptions

- ▶ "Cosmetic procedure is not a Medical procedure". - *WRONG*
- ▶ Some laser procedures can look deceptively "simple".—but are far from "simple".

The Laser procedures we are talking about are:

Cosmetic Medical Procedures

Deceptively Simple

- ▶ Some laser procedures are not technically difficult.
- ▶ Expertise and 'skill' comes in when you consider the following:

Fluence
Energy
Spot size
Pulse duration
Cooling settings
Wavelength
Filters
Contact gel
Skin prep
Result of last treatment
h/o certain medical conditions
Degree of pulse stacking

Medications
Cosmetic tattoos?
Fitzpatrick skin type
Age of patient
Location of treatment
Condition treated
Previous topicals used
Interfering skin conditions
History of herpes
Prophylaxis for hyperpigmentation
Verifying calibration

Verifying laser parameters
Proper eye protection
Evaluation of laser-skin reaction
Evaluation of patient response to treatment
Mindfulness of overlapping pulses
Post op precautions
Post op care
Recognition of complications
Management of complications

Lasers can cause real harm

Litigation

- ▶ **Common Causes of Injury and Legal Action in Laser Surgery** H. Ray Jalian, MD; Chris A. Jalian, JD; Mathew M. Avram, MD, JD; *JAMA Dermatol.* 2013;149(2):188-193.
- ▶ Dramatic rise in lawsuits stemming from laser cases.
- ▶ Most laser lawsuits result from laser hair removal.

Evidence of increased risk with indirect supervision

- ▶ A study done by Vic A. Narurkar, MD, which reviewed 123 **complications** that resulted from laser treatment received **from non-physicians**, concluded that the greatest risk factors for complications are the inappropriate use of or overutilization of devices, inadequate cooling with devices, and the **lack of direct physician supervision**. In fact, the study showed that 82% of all complications occurred in facilities that had no direct physician supervision.

Narurkar, V.A. M.D. (2005). Complications from Laser Procedures Performed by Non-Physicians. *Skin & Aging*, 13(9), 70-71.

Evidence of increased risk with indirect supervision

- ▶ "Survey data and qualitative research results attributed patient complications primarily to "nonphysician operators" such as cosmetic technicians, estheticians, and employees of medical/dental professionals who performed various invasive medical procedures outside of their scope of training or with inadequate or no physician supervision".

Beauty Versus Medicine: The Nonphysician Practice of Dermatologic Surgery Harold J. Brody MD, Roy G. Geronemus MD, Patricia K. Farris MD. *Dermatologic Surgery*, Volume 29, Issue 4, April 2003, pp 319-324.

Appropriate delegation

The American Society for Laser Medicine and Surgery

- ▶ "The supervising physician shall be physically present on-site, immediately available, and able to respond promptly to any question or problem that may occur while the procedure is being performed".

▶ Direct Supervision

Appropriate delegation

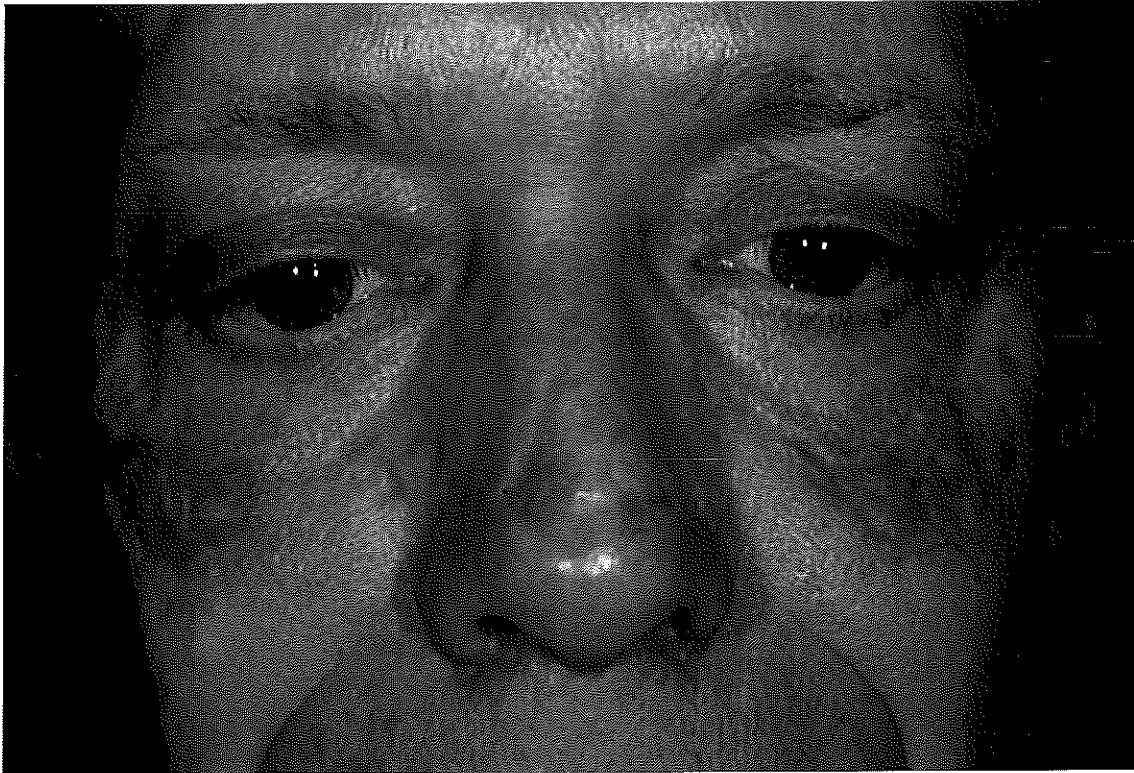
- ▶ The following national Associations specifically weighed in and opposed the allowance of indirect supervision of estheticians and cosmetologists as initially proposed in HB 2035
- ▶ American Academy of Dermatology Association
- ▶ American Academy of Facial Plastic and Reconstructive Surgery
- ▶ American Society for Aesthetic Plastic Surgery
- ▶ American Society for Dermatologic Surgery Association
- ▶ American Society for Laser Medicine and Surgery
- ▶ American Society of Ophthalmic Plastic and Reconstructive Surgery
- ▶ American Society of Plastic Surgeons

Real World Experience

- ▶ 22 years direct supervision of laser certified Dermatology trained PAs
- ▶ Almost every week there is a need for direct supervision

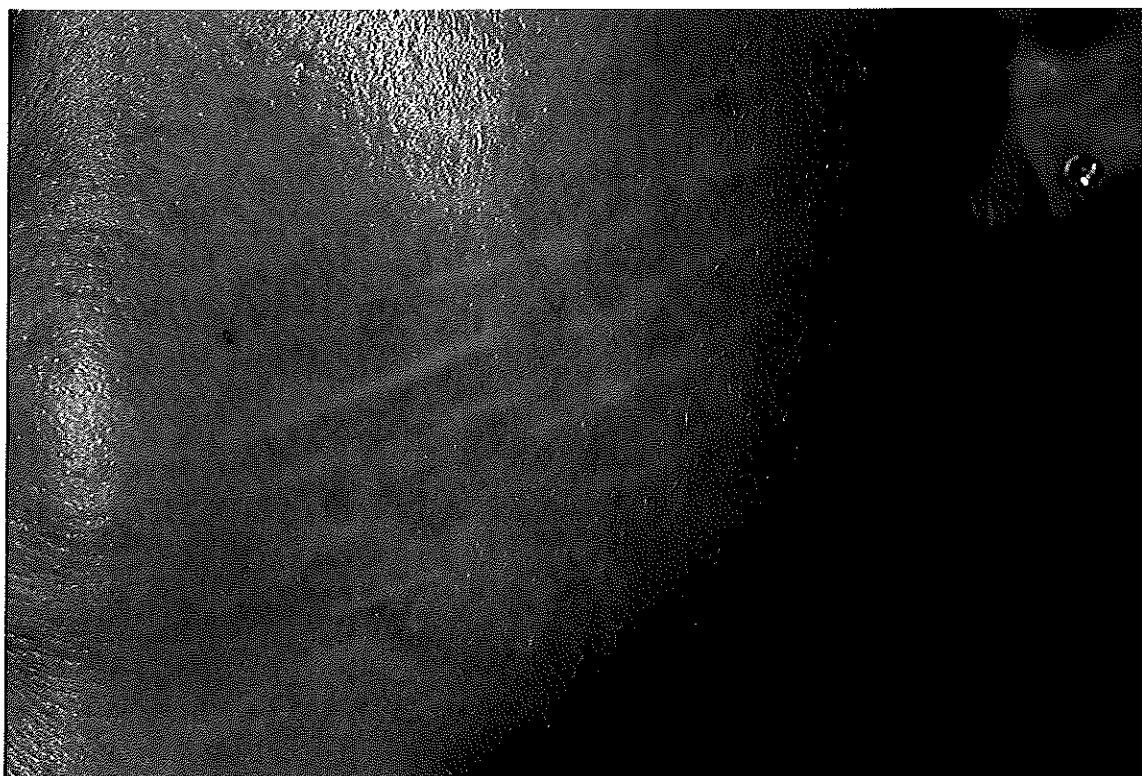
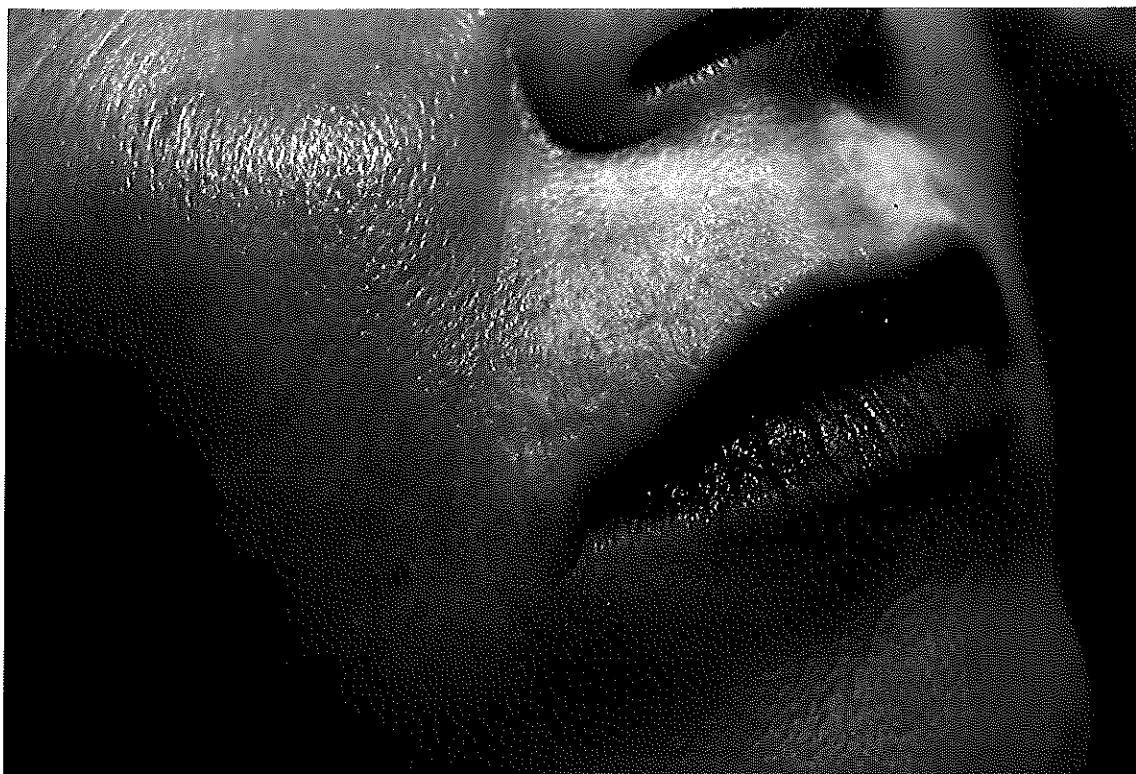
Appropriate Delegation: -----Direct Supervision-----

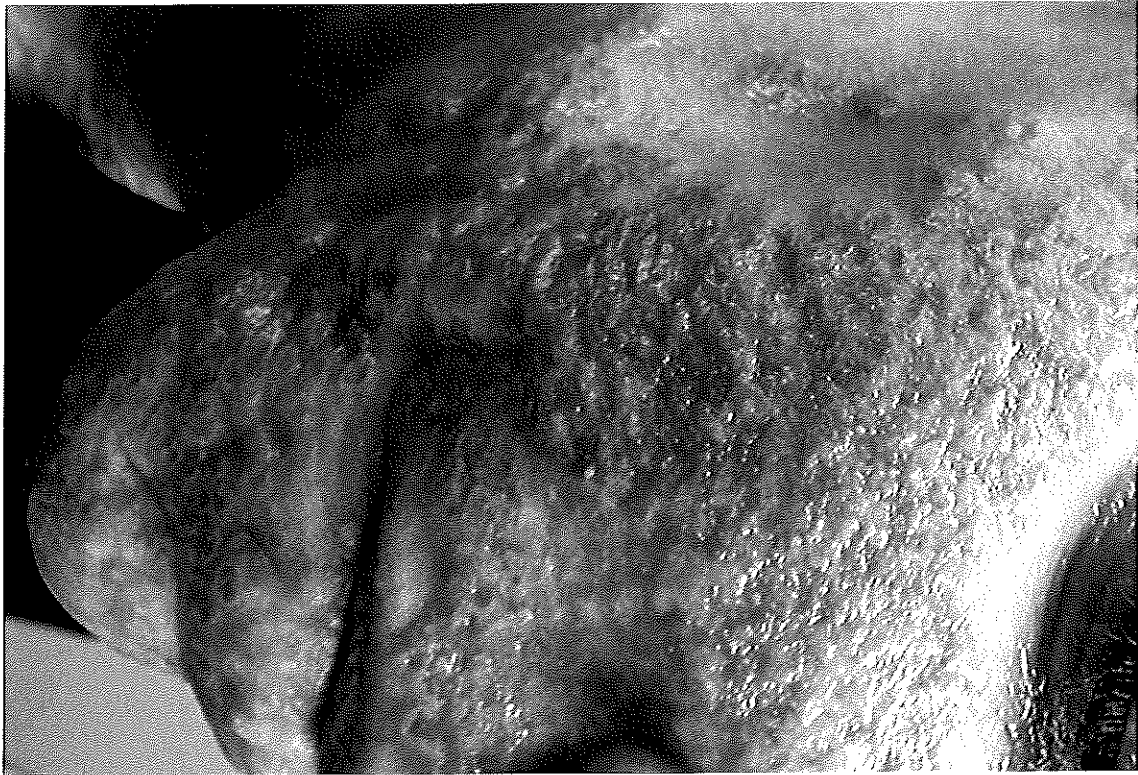
- ▶ Supported by:
- ▶ Understanding what is involved in laser procedures
- ▶ Understanding the risks of laser procedures
- ▶ Published literature pointing towards increase harm associated with indirect supervision
- ▶ 7 national medical associations that have expertise in laser issues



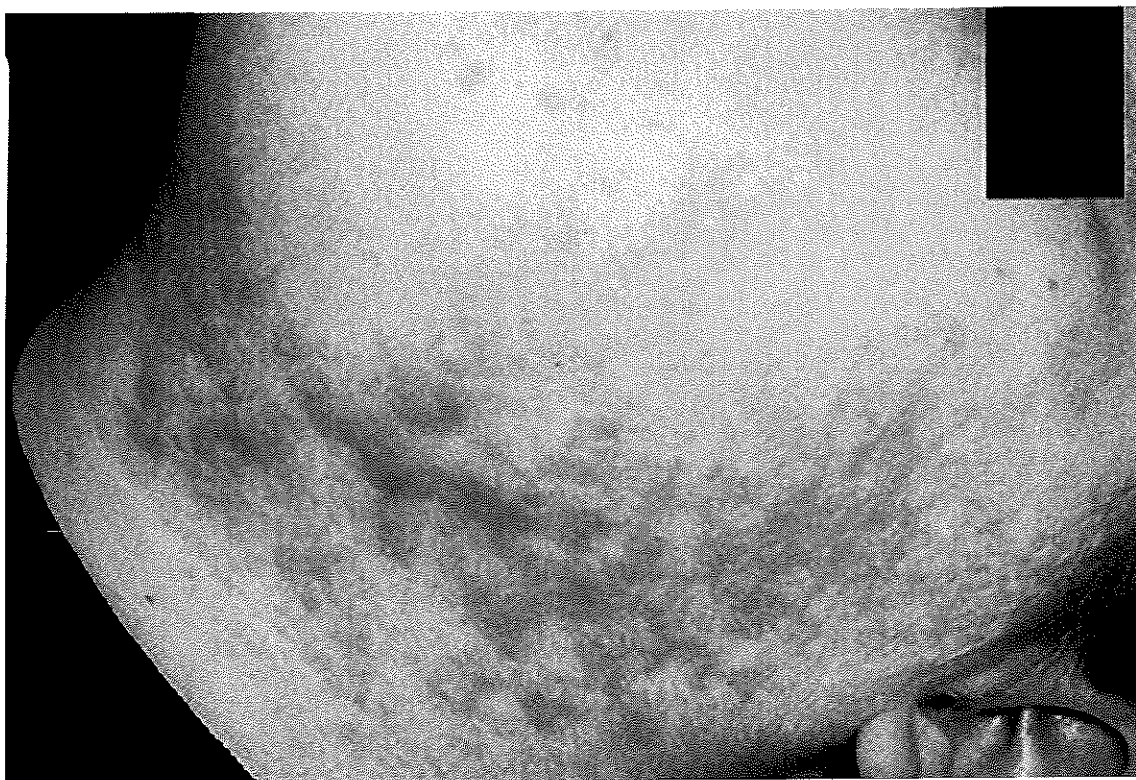


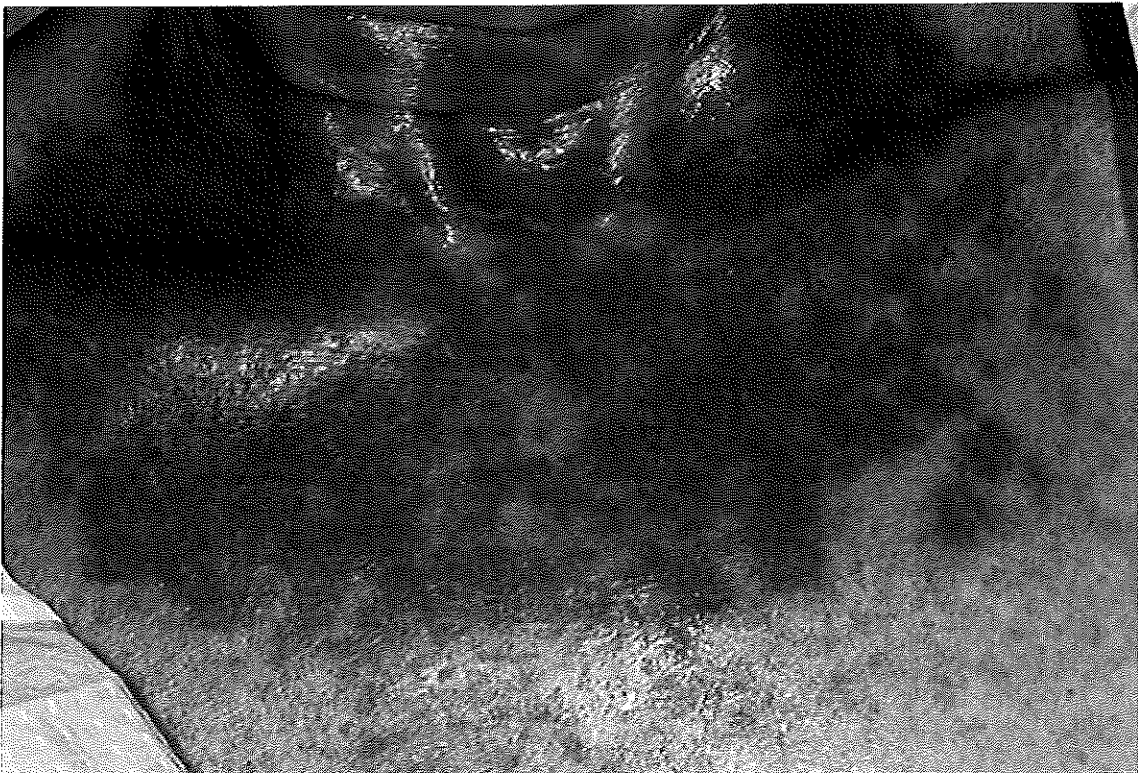


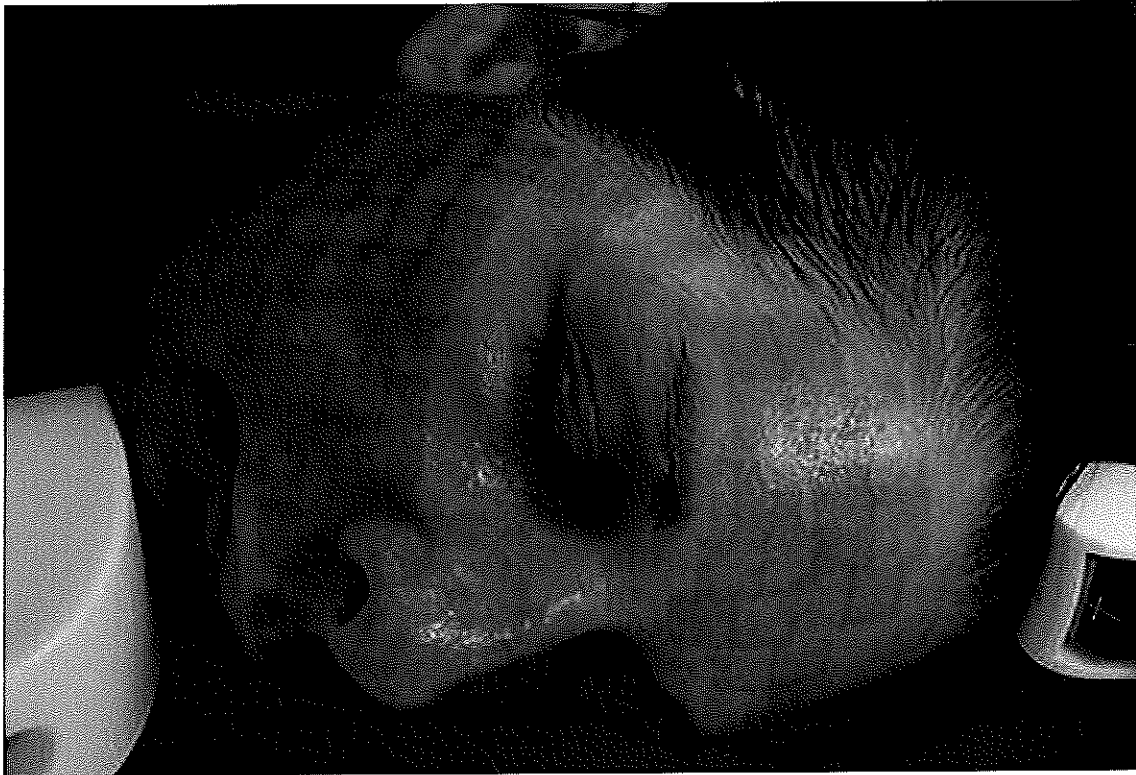


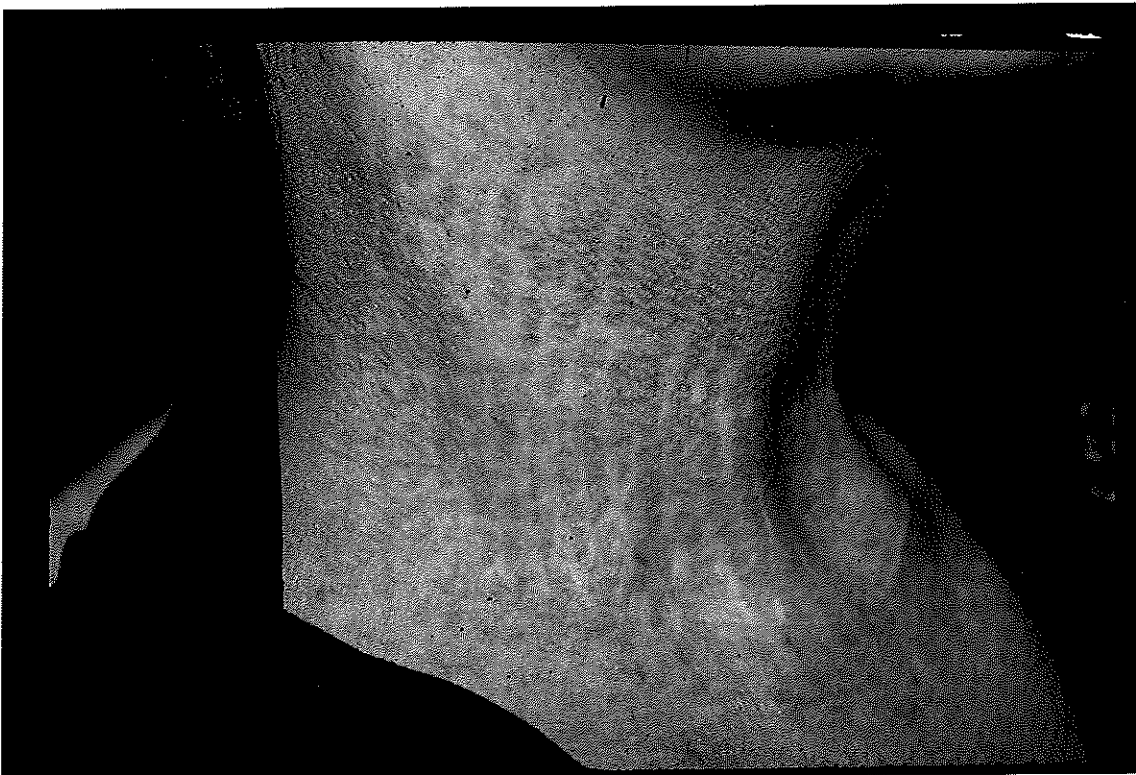


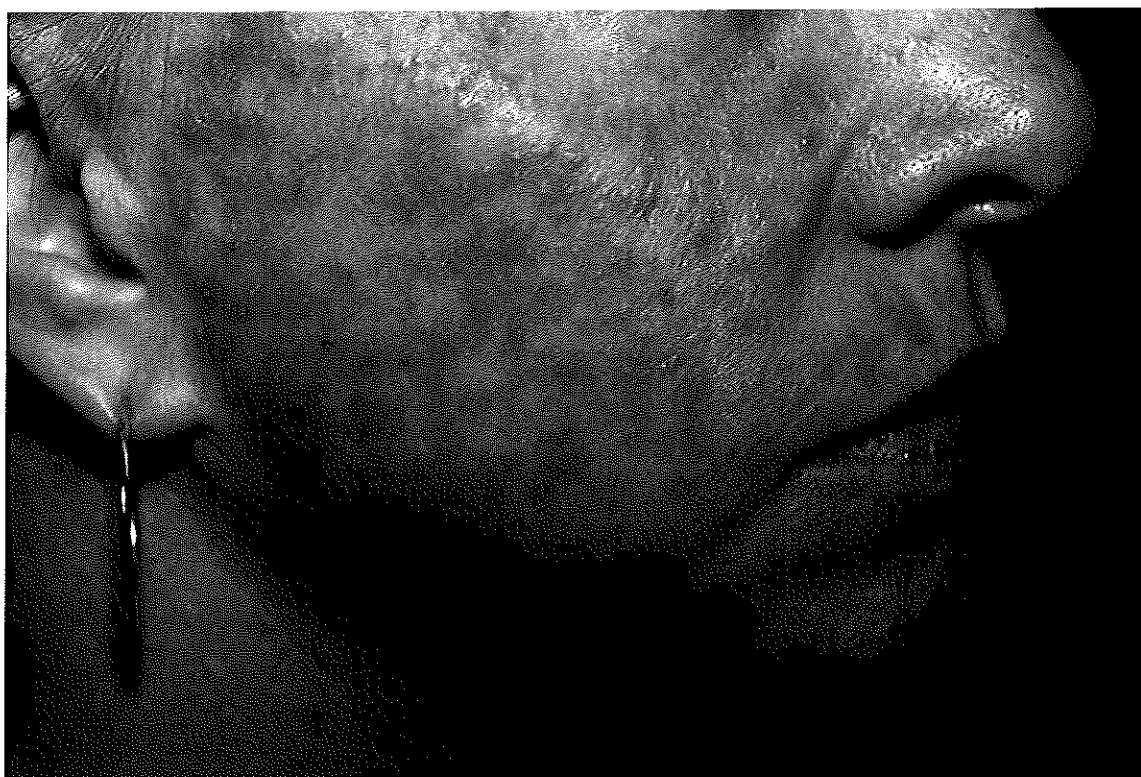




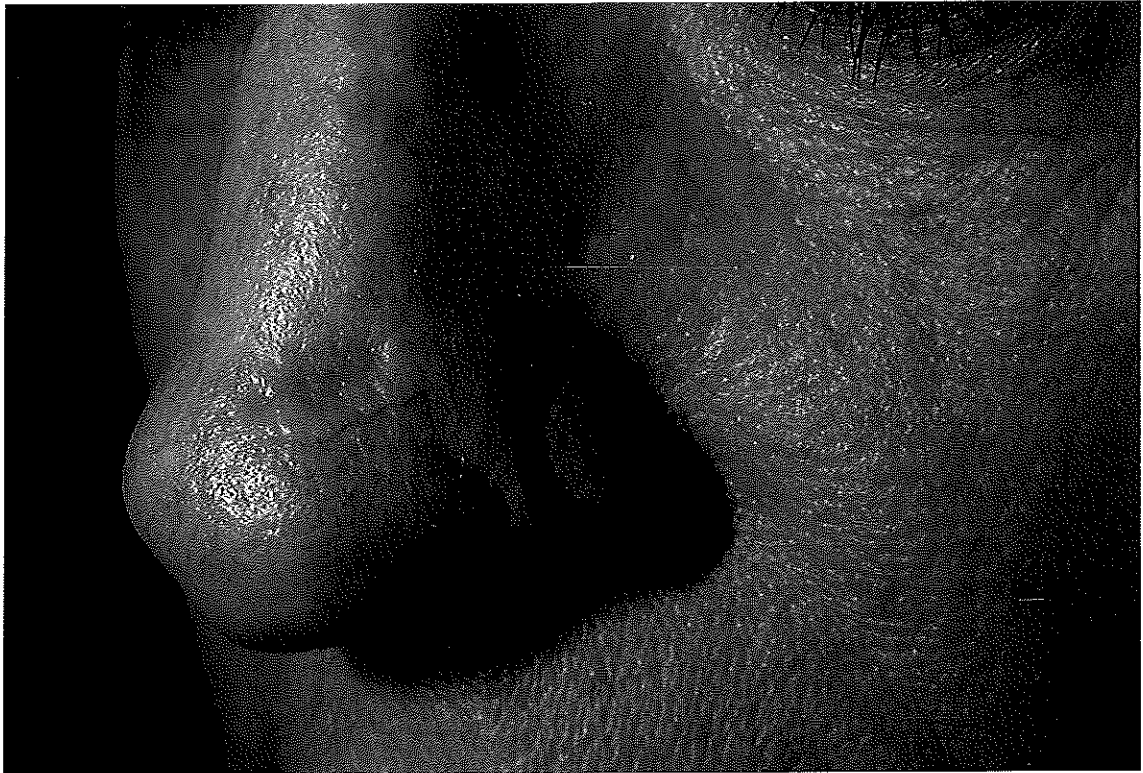














Executive Office

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October 19, 2016

Arizona House of Representatives
Cosmetic Lasers Study Committee
Representative Warren H. Petersen, Chairman
1700 W. Washington
Room 312
Phoenix, AZ 85007

RE: Cosmetic Lasers Study Committee Hearing: October 19, 2016

Dear Representative Petersen and the Honorable members of the Cosmetic Lasers Study Committee:

Founded in 1931, ASPS is the largest association of plastic surgeons in the world, representing more than 7,000 members and 94 percent of all American Board of Plastic Surgery board-certified plastic surgeons in the United States. ASPS places a premium on patient safety and takes the following position regarding physician supervision of aestheticians or cosmetologists using cosmetic lasers or intense pulse light devices (IPL).

While laser procedures are extremely safe and effective when used by medical professionals with appropriate training and oversight, in the wrong hands they can cause painful burns and permanent scarring. Even when used at the manufacturer's recommended settings, these devices can cause profound skin injury. For patient safety and good outcomes, it is critical that patients be evaluated and a treatment plan determined by a physician or midlevel provider (physician assistant (PA) or nurse practitioner (NP)) working under that physician's supervision. Lasers and IPL devices should also only be operated by physicians and other licensed medical professionals. These licensed professionals include physician assistants (PAs), nurse practitioners (NPs), advance practice registered nurses (APRNs), and registered nurses (RNs) who are acting within the scope of their licensure and are under a physician's supervision, and should not include aestheticians and cosmetologists who have no medical training.

With respect to supervision, it is overly onerous to require the supervising physician to be on-site; however, the physician should be immediately available by electronic communication, be no further than fifty (50) miles away, and must be available to physically see the patient within twenty-four (24) hours. These supervision requirements are considerate of the fact that certain physician specialties like plastic surgeons are going to be in-hospital performing surgeries on

ATTACHMENT 10

Comments from Rep. Meyer
Arizona House of Representatives
Cosmetic Lasers Study Committee
October 19, 2016

Today we heard compelling evidence that the law should not be changed to allow a cosmetologist or aesthetician perform certain cosmetic procedures with a laser or intense pulsed light (IPL) device without the direct supervision of a medical professional. The simple fact is that these professionals have neither the same training in detecting certain skin conditions as physicians, nor the experience in using laser technology as other health professionals. A lack of direct supervision of laser procedures could lead to adverse outcomes and compromised patient safety.

We heard testimony from Dr. Bill Halmi, M.D., a highly trained dermatologist. He discussed the problems associated with the lack of supervision in this field. According to Dr. Halmi, cosmetic procedures with a laser are medical procedures with potentially harmful side-effects requiring the presence of supervising health professionals to protect patient safety. Dr. Halmi cited a study done by Vic A. Narukar, MD, which reviewed complications on patients that received laser treatment from non-physicians. The study concluded that “the greatest risk factors for complications are the inappropriate use of or overutilization of devices, inadequate cooling with devices, and the lack of direct physician supervision.” In fact, the study showed that 82% of all complications occurred in facilities that had no direct physician supervision.

Dr. Halmi even suggested that the current supervising health professionals in Arizona may not have the necessary and specific expertise in laser technology. For example, a supervising physician may have completed the relevant amount of training to meet the statutory requirements, but he or she may be trained primarily in emergency medicine or pediatrics and not dermatology.

We also heard testimony from the Arizona Radiation Regulatory Agency (ARRA) as to the amount of training that an aesthetician or cosmetologist receives before being certified in laser use. These professionals receive a minimum of only 40 hours of didactic training for an extensive range of procedures. ARRA even conceded that the agency only has one inspector to inspect the safety of all laser devices for the entire state of Arizona. This inspector is responsible for inspecting laser devices and ensuring their proper functioning at approximately 1,600 sites statewide. As a result, the inspector is only able to conduct one inspection every three years on devices at certain medical facilities.

For these reasons, I make the following recommendations for the Cosmetic Lasers Study Committee:

1. Consistent with the philosophy of the American Academy of Dermatology Association and the American Society for Laser Medicine and Surgery, laser procedures provided by aestheticians and cosmetologists should continue to be directly supervised by a health professional.
2. If the statute governing cosmetic laser procedures were to be changed, the Legislature should consider increasing laser training and provide continuing education requirements for aestheticians and cosmetologists.

3. The Legislature should also consider increasing staffing resources to the Arizona Radiation Regulatory Agency to ensure that inspections of laser technology are conducted frequently and effectively.

4. Finally, the Legislature should conduct further research as to whether the current standards required of supervising health professionals are sufficient.

A handwritten signature in black ink that reads "Eric Meyer". The signature is written in a cursive, flowing style.

Representative Eric Meyer, M.D.
Democratic Leader
Legislative District 28

ARIZONA STATE LEGISLATURE
Fifty-second Legislature - Second Regular Session

INTERIM COMMITTEE ATTENDANCE RECORD

COMMITTEE ON COSMETIC LASERS STUDY COMMITTEE

CHAIRMAN: Warren H. Petersen VICE-CHAIRMAN: _____

DATE	10/19/16	/16	/16	/16	/16
CONVENED	9:07 AM	m	m	m	m
RECESSED					
RECONVENED					
ADJOURNED	10:48 AM				
MEMBERS					
Mrs. Carter	✓				
Ms. Cobb	--				
Mr. Espinoza	✓				
Mr. Lawrence	✓				
Mr. Meyer	✓				
Mr. Petersen, Chairman	✓				

✓ Present --- Absent exc Excused